



आरत का राजपत्र

The Gazette of India

प्राविष्ठा रुप्रकाशन

PUBLISHED BY AUTHORITY

मं० ९] गई दिन; शनिवार मार्च १, १९६९/फाल्गुन १०, १९६९

No. ९] NEW DELHI, SATURDAY, MARCH १, १९६९/PHALGUNA १०, १९६९

इस भाग में भिन्न वृक्ष संस्थाएँ दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

नोटिस

NOTICE

वीचे लिखे आरत के अभ्यारण राजपत्र १४ फरवरी, १९६९ तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 14th February,
1969:—

Issue No.	No. and Date	Issued by	Subject
४९	S.O. 564, dated 7th February, 1969.	Ministry of Labour, Employment and Rehabilitation,	Kandla Dock Workers (Regulation of Employment) Scheme, 1969.
५०	S.O. 565, dated 10th February, 1969.	Ministry of Commerce;	Quality Control and Pre-shipment inspection of Cast Iron Spun pipes.
५१	S.O. 615, dated 10th February, 1969.	Ministry of Labour, Employment and Rehabilitation,	Constitution of a National Industrial Tribunal.
५२	S.O. 616, dated 11th February, 1969.	Ministry of Commerce.	Quality Control and Pre-shipment inspection of Steel Tubes and Tubulars.
५३	S.O. 617, dated 12th February, 1969.	Ministry of Information & Broadcasting.	Approval of the films as specified therein.
एन० श्र० ६१८ दिनांक १२ फरवरी, १९६९।		सूचना तथा प्रकाशन मंत्रालय	अनुसूची में दी गई फिल्मों को स्वीकृत करना।

Issue No.	No. and Date	Issued by	Subject
54	S.O. 619, dated 12th February, 1969.	Ministry of Labour, Employment and Rehabilitation.	Amendment in the Order No. S.O. 3383, dated 17th September, 1968.
55	S.O. 620, dated 14th February, 1969.	Ministry of Industrial Development & Company Affairs.	Authorising the Gujarat State Textile Corporation Limited, Ahmedabad to take over the management of the New Manekchock Spinning and Weaving Company Ltd., Ahmedabad.
56	S.O. 621, dated 14th February, 1969.	Ministry of Labour, Employment and Rehabilitation.	Amendments in the Order No. S.O. 4387 dated 5th December, 1968.
57	S.O. 622, dated 14th February, 1969.	Ministry of Commerce.	Further amendment to the Exports (Control) Order, 1968.
58	S.O. 623, dated 14th February, 1969.	Ministry of Finance	Specifying the 31st day of March, 1969 as the date for the purposes of sub-section (3) of section 40A of the Income-tax Act, 1961 (43 of 1961).
	S.O. 624, dated 14th February, 1969.	Central Board of Direct Taxes.	The Income-tax (Amendment) Rules, 1969.
59	S.O. 625, dated 14th February, 1969.	Do.	The Income-tax (Second Amendment) Rules, 1969.

भारत लिखे ग्रसावारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जायेगी। मांगपत्र प्रबन्धक के पास हन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपलब्ध (ii)

PART II—Section 3—Sub-section (ii)

(एका मंशालव को छोड़कर) भारत सरकार के मंशालवों और (संघ लेन प्रकाशन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विविध घोषणा और प्रधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 14th February 1969

S.O. 749.—The Commission's Notification No. 154/21/68, dated the 17th October, 1968, published in the Gazette of India, Part II, Section 3 Sub-Section (ii), dated the 2nd November, 1968, is hereby cancelled.

[No. 154/21/68.]

By order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF LAW
(Legislative Department)
(Waqf Section)

New Delhi, the 7th February 1969

S.O. 750.—In exercise of the powers conferred by section 5 of the Durgah Khawaja Saheb Act, 1955 (36 of 1955), and in continuation of the notification of the Government of India in the Ministry of Home Affairs No. 58/2/63-Poll (II), dated the 4th February, 1964, the Central Government hereby re-appoints Shri Allarakha Chandhbhai Qureshi, Ahmedabad (Gujarat), a Hanif Muslim as a member of the Durgah Committee, Ajmer, with effect from the 15th February, 1969.

[No. 11(9)/68-WAQF.]

S. G. RASOOL,
Officer on Special Duty (Wakfs).

विधि मंत्रालय
(विभागीय विभाग)
(वक्फ अनुभाग)

नई दिल्ली, 7 फरवरी 1969

एस० फो० 751.—इरगाह खजाजा माहब अधिनियम, 1955 (1955 का 36) की वारा 5 में प्रदत्त की गई शक्तियों का प्रयोग करते हुए, तथा भारत सरकार, गृह मंत्रालय की अधिसूचना सं० 58/2/63-पौल (II) तारीख 4 फरवरी, 1964 को चालू रखते हुए, केन्द्रीय सरकार एतद्वारा श्री अलारखा जांद भाई कुरेणो, अहमदाबाद, (गुजरात) के एक हनीफी मुस्लिम को 15 फरवरी, 1969 से दरगाह समिति, अजमेर का सदस्य नियुक्त करती है।

[सं० फा० 11(9)/68-वक्फ.]

एस० जी० रसूल,
विशेष कार्य अधिकारी(वक्फ)।

MINISTRY OF HOME AFFAIRS

New Delhi, the 21st February 1969

S.O. 752.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—

1. (1) These rules may be called the Authentication (Orders and other Instruments) Amendment Rules, 1969.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In rule 2 of the Authentication (Orders and other Instruments) Rules, 1958, for clause (an), the following clause shall be substituted, namely:—

“(an) in the case of orders and other instruments relating to the Ministry of Home Affairs by the Chief Welfare Officer, a Director, a Deputy Director, or a Deputy Financial Adviser and in the case of orders and other instruments

relating to Secretariat Security Organisation including Reception Wing, by the Chief Security Officer of that Ministry;"

[No. 3/1/69-Pub.I.]

CORRIGENDA

New Delhi, the 12th February 1969

S.O. 753.—In the Order of the Government of India in the Ministry of Home Affairs S.O. 379 [F. No. 17/107/66-SR.] dated the 22nd January 1969, published at pages 101 to 106 of the Gazette of India Extraordinary, Part II, Section 3, Sub-Section (ii), dated the 23rd January, 1969:—

1. at page 102, in paragraph 3(1)(b), in item 6, for "and" read "and";
2. at page 103, in the last line of proviso to paragraph 6, for "Boarts" read "Boards";
3. at page 105, in the last line of column (2) of the Table for "Haryana" read "Haryana,"; and
4. at page 106, in the last line of column (2) of the first Table, for "Himachal Pradesh" read "Himachal Pradesh";

[No. F.17/107/66-SR.]

K. R. PRABHU, Joint Secy.

New Delhi, the 21st February 1969

S.O. 754.—In exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment to the notification of the Government of India in the Ministry of Home Affairs No. S.O. 1104, dated the 29th March, 1965, namely:—

In the said notification in paragraph 4, for the figures, letters and word "31st December, 1962" the figures, letters and word "30th June, 1969" shall be and shall be deemed always to have been substituted.

[No. 1/3/65-Delhi.]

By Order and in the name of The
President of India
R. C. JAIN, Dy. Secy.

गृह मंत्रालय

नई दिल्ली, 21 फरवरी 1969

एस० ओ० 755.—जन्म अर्थ ग्रधिनियम, 1952 (1952 वा 60) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग पारते हुए, के बीच सरकार भारत द्वारा को गृह मंत्रालय की अधिसूचना सं० वा० आ० 1104, तारीख 29 मार्च, 1965 में एतद्वारा निम्नलिखित अतिरिक्त संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, पैरा 4 में "31 दिसम्बर, 1968" अंकों और शब्द के लिए "30 जून, 1969" अंक और शब्द प्रतिस्थापित किये जाएंगे और दैव से प्रतिस्थापित रहते समझे जायेंगे।

[सं० 1/3/65-दिल्ली]

भारत के राष्ट्रपति के आदेश से और नाम में
आर० सी० जैन, उप सचिव।

MINISTRY OF FINANCE**(Department of Expenditure)***New Delhi, the 12th February 1969*

S.O. 756.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and of all other powers enabling him in this behalf the President hereby makes the following regulations further to amend the Civil Service Regulations, namely:—

1. (1) These Rules may be called the Civil Service (first Amendment) Regulations, 1969.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In the Civil Service Regulations, in Article 459—

(i) In clause (h), the following words shall be added at the end, namely—
“or three months' pay and allowances in lieu of such notice.”

(ii) after Note 2, the following Note shall be added, namely—

“Note 3.—In computing the notice period of three months referred to in clauses (h) and (i) the date of service of the notice shall be included.”

[No. F. 7(8)-EV/68.]

S.O. 757.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and of all other powers enabling him in this behalf and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Fundamental Rules, namely—

1. (1) These rules may be called the Fundamental (first Amendment) Rules, 1969.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In the Fundamental Rules, in Rule 56, in clause (j) the following words shall be added at the end, namely—

“or three months' pay and allowances in lieu of such notice.”

[No. F. 7(8)-EV/68.]

N. S. CHANDRAMOOLISARAN, Under Secy.

(Department of Economic Affairs)*New Delhi, the 19th February 1969*

S.O. 758.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Note (f) appended to Form A in the Third Schedule to the said Act shall not apply in respect of the balance sheet as at the 31st December, 1968 to the State Bank of India, any banking institution notified under Section 51 of the said Act and any banking company which, when the value shown in the inner column against any of the sub-heads (ii), (iii), (iv) and (v) of item 4 on the Property and Assets side of the said Form exceeds the market value of the investments under that sub-head, shows separately within brackets the market value of the investments under that sub-head.

[No. F.15(1)-BC/69.]

New Delhi, the 20th February 1969

S.O. 759.—Statement of the Affairs of the Reserve Bank of India, as on the 7th February, 1969.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up	5,00,00,000	Notes	22,41,69,000
		Rupee Coin	3,55,000
Reserve Fund	150,00,00,000	Small Coin	6,10,000
		Bills Purchased and Discounted :—	
National Agricultural Credit (Long Term Operations) Fund .	143,00,00,000	(a) Internal
		(b) External
		(c) Government Treasury Bills	221,58,95,000
National Agricultural Credit (Stabilisation) Fund . . .	33,00,00,000	Balances Held Abroad*	109,45,47,000
		Investments**	194,17,84,000
National Industrial Credit (Long Term Operations) Fund .	55,00,00,000	Loans and Advances to :—	
		(i) Central Government
		(ii) State Governments@	61,16,47,000
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	57,72,08,000
		(ii) State Co-operative Banks†	247,56,35,000
		(iii) Others	1,80,27,000

(i) Central Government	52,89,43,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund:—	
(ii) State Governments	4,96,66,000		
(b) Banks:—		(a) Loans and Advances to :—	
(i) Scheduled Commercial Banks	143,75,72,000	(i) State Governments	31,07,89,000
(ii) Scheduled State Co-operative Banks	7,14,63,000	(ii) State Co-operative Banks	13,84,37,000
(iii) Non-Scheduled State Co-operative Banks	59,42,000	(iii) Central Land Mortgage Banks
(iv) Other Banks	19,70,000	(b) Investment in Central Land Mortgage Bank Debentures	8,53,61,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
(c) Others	291,19,44,000	Loans and Advances to State Co-operative Banks	5,23,37,000
Bills Payable	35,90,75,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—	
Other Liabilities	98,58,38,000	(a) Loans and Advances to the Development Bank	6,26,71,000
	Rupees 1021,24,13,000	(b) Investment in bonds/debentures issued by the Development Bank
		Other Assets	40,29,41,000
		Rupees 1021,24,13,000	

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 29,96,14,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 12th day of February 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 7th day of February, 1969.

ISSUE DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Notes held in the Banking Department . . .	22,41,69,000	Gold Coin and Bullion:—	
Notes in circulation . . .	3400,24,65,000	(a) Held in India	182,53,11,000
TOTAL Notes issued . . .	3422,66,34,000	(b) Held outside India
		Foreign Securities	171,43,00,000
		TOTAL	353,95,11,000
		Rupee Coin	77,34,22,000
		Government of India Rupee Securities . . .	29,01,47,91,000
		Internal Bills of Exchange and other Commercial paper
TOTAL LIABILITIES . . .	3422,66,34,000	TOTAL ASSETS	3422,66,34,000

B. N. ADARKAR,
Dy. Governor,

I state the 12th day of February 1969,

[No. F. 3(3)-BC/69.]

K. YESURATNAM, Under Secy.

CORRIGENDUM

"In the Statement of the Affairs of the Reserve Bank of India as on the 3rd January, 1969—Banking Department, published in the Gazette of India dated 25th January, 1969 at Part II—Section 3(ii) on pages 361-362 the figures against the item "Loans and Advances to—(iii) others" under Assets Side should be read as 2,54,82,000 instead of 3,54,82,000".

(Department of Revenue and Insurance)

CUSTOMS

New Delhi, the 1st March 1969

S.O. 760.—In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Finance (late Department of Revenue) No. 36, dated the 1st February, 1963, namely:—

In the said notification, item No. (viii) and the entries relating thereto shall be omitted.

[No. 37/F. No. 22/10/68-Cus.IV.]

J. DATTA, Dy. Secy.

मित्र मंत्रालय

(राजस्व तथा वीमा विभाग)

सीमा-शुल्क

नई दिल्ली, 1 मार्च 1969

ए.१० शो. 761.—सीमा-शुल्क अधिनियम, 1962 (1962 ला. 52) की वरा 4 की उपर्युक्त (1) द्वारा प्रदत्त शक्तियों का प्रयोग : रते हुए, के द्वी : राजस्व तरारत के बित्र मंत्रालय (भूतपूर्व राजस्व विभाग) की अधिसूच । सं० 36 तारेख 1 फरवरी 1963 में एतद् राजनियतिक्ति संशोधन करती है, अस्थात्:—

उक्त अधिसूच ।। में मद सं० (Viii) और तत्त्वान्वयो विविट्यो लुप्त कर दी जायेगी।

[सं० 37/ला. सं० 22/10/68-जी० ए०-४.]

ज्योतिमेन दत्त, उप सचिव।

COLLECTORATE OF CENTRAL EXCISE, WEST BENGAL CALCUTTA
CENTRAL EXCISES

Calcutta, the 5th September 1968

S.O. 762.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby authorise the Central Excise officers of and above the rank of "Superintendent" of Central Excise to exercise within their respective jurisdiction the powers of the "Collector" under sub-rule (4) of Rule 56A of the Central Excise Rules, 1944.

[No. 5/1968.]

D. R. KOHLI, Collector.

CENTRAL EXCISE COLLECTORATE, ALLAHABAD

Allahabad, the 3rd January 1969

S.O. 763.—In exercise of the powers conferred on me under rule 5 of the Central Excise Rules 1944, and in supersession of Collectorate Notfn. No. 6—CE/66 I hereby order that the powers of the Collector delegated to Superintendents of Central Excise under any rule of the aforesaid Rules, shall be exercised by all the Superintendents alike without the existing distinction of Senior and Junior Superintendent. Consequently, I also order that the Collectorate Notifications mentioned in column 2 of the table below shall be amended to the extent indicated against each column 3 of the said Table.

TABLE

Sl. No.	Collectorate Notification No.	Extent of the amendment ordered
1	6/CE/63 dt. 6.5.63	In the Table annexed to the Notification— (i) for the words "Senior Superintendent" appearing in column 2 against Sl. No. 2 as inserted by Notification No. 6-CE/66, the word, "Superintendent" shall be substituted.

Sl. No.	Collectorate Notification No.	Extent of the amendment ordered
2	1C-E/68	(ii) the existing Sl. No. "2A" and the entries relating to it appearing in columns 1, 2, 3, and 4, as inserted by Notification No. 6-CE/66, shall be deleted. In the Table annexed to the notification, for the words "Junior Superintendents" appearing in column 2 against Sl. No. 2, the word, "Superintendents" shall be substituted.
		[No. 1-CE/69]

S.O. 764.—In exercise of the powers conferred on me under rule 5 of the C.E. Rules, 1944 and in supersession of the Collectorate Notification No. 1-CE/67 dated the 28th September, 1967, I empower the Superintendent of Central Excise, of Allahabad Collectorate to excise within their respective jurisdiction the powers of the Collectors under the rules mentioned in column 2 of the Table below to the extent indicated against each rule in column 3 of the said Table:

TABLE

Sl. No.	No. of the rules of the C.E. Rules, 1944	Extent of delegation of Collectors power
1	2	3
1	13, 14, 192	To get executed before them bonds in 'B' series which are to be accepted by the Assistant Collectors.
2	53	To grant permission to licensees for not making entries in the stock account on dates on which there is no production, receipt in store-room or clearance of excisable goods.

[No. 2-CE/69.]

M. N. MATHUR, Collector.

CENTRAL EXCISE COLLECTORATE, KANPUR

Kanpur, the 4th January 1969

S.O. 765.—In exercise of the powers conferred on me under Rule 173-B of the Central Excise Rules, 1944, I haveby prescribe Form of Classification List as appended to this notification which every assessee working under the Self Removal Procedure as laid down under Chapter VII-A of the Central Excise Rules, 1944 shall file to the Proper Officer for his approval, showing therein the full description of (i) all excisable goods, produced or manufactured by him, (ii) all other goods produced or manufactured by him and intended to be removed from his factory and (iii) all excisable goods warehoused in his warehouse, the item number and sub-item number if any, of the First schedule to the Central Excise and Salt Act, 1944 under which each such goods fall and the rate of duty leviable on each such goods.

Range	Original
Circle	Duplicate
Division	TriPLICATE
Collectorate	Quadruplicate

Classification List excisable goods produced, Manufactured or Warehoused and other goods Produced or manufactured and intended to be Removed by the Assessee.

(Rule 173 B)

- 1 Name and address of the assessee
- 2 Location of the Factory/Warehouse
- 3 Central Excise Licence No.

4 Particulars of all excisable goods produced, manufactured or warehoused

Sl. No.	Full Des- cription of the goods	Item No. and sub- item if any of the First Sche- dule to the Central Excises and Salt Act 1944 under which the goods fall	Rate of duty leviable (Give details of basic and other duties separately)	No. and date of the re- levant notification (3) if any, issued under rule 8 having a bearing on the rate of duty.	Remarks
(1)	(2)	(3)*	(4)*	(5)*	(6)

*Note.— If the assessee has any difficulty in filling columns (3), (4) and (5), he may leave them blank. These will then be filled up by the Central Excise Officer.

5 Particulars of other goods produced or manufactured and intended to be removed by the assessee.

Sl.No.	Full description of the goods.	Remarks
--------	--------------------------------	---------

Verified.

Place: Signature and stamp
of the Central Excise Officer-in-
charge.

Place:
Date:

Declaration
I/We declare the above parti-
culars to be true and correctly
and fully stated.

Signature of the assessee
or his authorised agent.

Memorandum by the Superintendent of Central Excise

(Strike out the portions which are not applicable)

1. Tariff classification and rate of duty leviable in respect of all goods.....below
goods described against Sl. No. (S)..... Item No. 4 above is approved, until further orders.
Tariff classification and rate of duty leviable in respect of the following goods shall be as
under, until further orders.

2. Tariff classification and rate of duty leviable in respect of goods described against
Sl. No. (S)..... below item No. 4 above is approved provisionally. Assessment of
these goods shall be made by the Central Excise Officer-in-charge provisionally under rule 9B.

3. All goods below item 5 Goods described against Sl. No. (S)....
No. 5 are non-excisable. Goods described against serial S. No. (S).... below item No. 5 are
excisable. Tariff classification and rate of duty leviable in respect of these goods shall be as under,
until further orders:—

Place:
Date:

Signature and stamp of the
Superintendent of Central
Excise

[No. 3/CE/69.]

V. PARTHASARATHY, Collector.

MINISTRY OF PETRO-CHEMICALS, MINES & METALS

(Department of Mines and Metals)

New Delhi, the 18th February 1969

S.O. 766.—In exercise of the powers conferred by sub-sections (2) and (4) of
section 17 of the Mines and Minerals (Regulation and Development) Act, 1957, (67 of
1957), the Central Government hereby rescinds the notification of the Government of
India in the late Ministry of Steel and Mines (Department of Mines and Metals),
No. 11(18)/63-MII, dated the 12th January, 1965.

[No. 11(18)/63-MII.]

A. SETHUMADHAVAN, Under Secy.

MINISTRY OF COMMERCE

New Delhi, the 19th February 1969

S.O. 767.—In pursuance of sub-rule (3) of rule 18 of the Coir Industry Rules, 1954, the following abstract of the receipts and expenditure of the Coir Board, Ernakulam, for the year 1967-68 is hereby published, namely :—

	Receipts	Expenditure
	(In lakh Rupees)	(In lakh rupees)
Opening Balance	0·57	2·64
Payment of cess made over by the Govt. of India under Section 14 of the Coir Industry Act, 1953	4·50	4·87 Research Export Promotion
Grants received under Section 14-A of the Act.	7·49	2·55 Other items Advances
Other Miscellaneous receipts	1·98	1·29 Closing balance
	14·54	0·18 2·76 14·54

[No. F. 21(6)-Tex(D)/68.]

ORDERS

New Delhi, the 22nd February 1969

S.O. 768.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Jute Textiles (Control) Order, 1956, namely:—

1. This Order may be called the Jute Textiles (Control) Amendment Order, 1969.

2. In the Jute Textiles (Control) Order, 1956, after clause 3, the following clause shall be inserted, namely :—

“3A. Notice of certain facts to be given.—(1) If there is any change in the name of a factory in respect of which a licence has been granted under this Order, the owner thereof shall, within fourteen days from the date of such change, give notice in writing of the fact to the Jute Controller, and forward the licence to him for endorsing thereon the change.

(2) If there is any change in the name of the owner of a factory in respect of which a licence has been granted under this Order, the new owner thereof shall, within fourteen days from the date of such change, give notice in writing of the fact to the Jute Controller, and forward the licence to him for endorsing thereon the change.”

[No. F. 11(14)-Tex(D)/67.]

A. G. V. SUBRAHMANIAM, Under Secy.

वाणिज्य भंत्राद्य

नई दिल्ली, 10 फरवरी 1969

ए० ० ७६९. —कारियत उद्योग, विषय, १०५४ के नियम १८ के उल्लेक्षण (३) के अनुसार यह, १९५८—६१ वर्ष के लिए वरिष्ठ प्रधान वर्ड, एकेकुँवारा प्राप्तियों प्रीरचन का निम्नलिखित संदर्भ प्रदूषकार वाहिनी के द्वारा है, अथवा—

प्राप्तियां	व्यय	
(लाख रुपयों में)	(लाख रुपयों में)	
प्रारम्भिक अंतर्गत नियमित उद्योग	०.५७	
नियमित उद्योग विविध वर्ड, १९५३ को	प्रणाली पिको वडोने के अन्युपयोग गवेषणा निर्वात संवर्धन अन्य सदें अग्रिम धन	२.६४ ४.८१ २.५५ ३.२५ १.२९ ०.१८
धारा १५ के अधान भारत सरकार द्वारा दिये गये उपकरण का चंदाय	४.५०	
अविनियमित काधारा १०—के के अधान प्राप्त अनुदान अन्य प्रकारों प्राप्तियां	७.४९ १.९८	
	अन्तिम अतिशेष	
	२.७६	
	१४.५४	
	१४.५४	

[सं० फा० २१ (६)—टेक्स (डो)/६८.]

आदेश

नई दिल्ली, 22 फरवरी, 1969

ए० ० ७७०.—आवश्यक वस्तु अविनियम, 1955 (1955 का १०) की धारा ३ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार पटसन वस्तु (नियंत्रण) आदेश, 1956 में अतिरिक्त संशोधन करने के लिए निम्न लिखित आदेश करती है, अर्थात्—

1. यह आदेश पटसन वस्तु (नियंत्रण) संशोधन आदेश, 1969 कहा जा सकेगा।
2. पटसन वस्तु (नियंत्रण) आदेश, 1956 में, खंड ३ के पश्चात् निम्नलिखित खंड अन्तः स्थापित किया जाएगा, अर्थात्—

“३-क. कतिपय तथ्यों की सूचना का शिया जाना—

- (१) यदि किसी कारखाने के, जिसकी बाबत इस आदेश के अधीन कोई अनुज्ञित अनुदात की गई है ताम में कोई परिवर्तन हुआ है तो उसका स्वामी, ऐसे परिवर्तन की तारीख से चौंदह दिन के भीतर, इस तथ्य की सूचना पटसन नियंत्रक को लिखित

रूप में देगा और उसे वह अनुज्ञित, उस पर परिवर्तन पृष्ठांकित करने के लिए भेज देगा।

(2) यदि किसी कार्रवाने के, जिसकी बाबत इस ग्रामेश के प्रधीन कोई अनुज्ञित अनुदत्त की गई है, स्वामी के नाम में कोई परिवर्तन हुआ है तो उसका नया स्वामी, ऐसे परिवर्तन की तारीख से चांदह दिन के भीतर, इस तथ्य की सूचना पटसन नियंत्रको को लिखित रूप में देगा और उसे वह अनुज्ञित, उस पर परिवर्तन पृष्ठांकित करने के लिए भेज देगा।"

[सं० फा० 11 (14)—वस्त्र (ब) /67.]

ए० जी० बी० सुश्रद्धाप्पम, अवर सचिव।

(Office of the Joint Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDERS

New Delhi, the 11th February 1969

S.O. 771.—The following licences No. :—

(1) P/SS/1610349/C dt. 26th March, 1968 Rs. 10,000 Acrylic Plastic Sheets and
P. M. Powder.
(2) P/SS/1610350/C dt. 26th March, 1968 Rs. 14,240 Acrylic Plastic Sheets and
P.M. Powder.

were issued to M/s. Gurmit Industrial Corp., B-10, Industrial Estate, Malerkotla.

2. Thereafter, a show cause notice No. G-14/68/ENF/CLA/10278 dated 3rd January, 1969 was issued asking them to show cause within 15 days as to why the said licences in their favour should not be cancelled on the ground that the Central Government is satisfied that these licences will not serve the purpose for which these were issued in terms of Clause 9, sub-clause (cc) of the Imports (Control) Order, 1955, as amended.

3. In response to the aforesaid show cause notice, M/s. Gurmit Industrial Corp., B-10, Industrial Estate, Malerkotla by their letter dated 22nd January, 1969 furnished an explanation that their factory is closed as they are not getting labour on reasonable rate and they are thinking to shift to some other place.

4. The undersigned has carefully examined the said explanation and has come to the conclusion that the licences will not serve the purpose for which these were issued as these were meant for utilisation in their factory at Malerkotla which has been closed.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955, as amended hereby cancel the licences No. (1) P/SS/1610349/C dt. 26th March, 1968 for Rs. 10,000 and (2) P/SS/1610350/C dated 26th March, 1968 for Rs. 14,240 issued in favour of M/s. Gurmit Industrial Corp., B-10, Industrial Estate, Malerkotla (Pb.).

[No. G-14/68/ENF/CLA/11729.]

New Delhi, the 12th February 1969

S.O. 772.—A licence No. P/SS/1610742/C dated 30th March 1968 of the value of Rs. 3,000/- for import of C.A. Butyrate in Powder, Polystyrene etc., was issued to M/s. Lohia Celluloid Industries, Station Road Opp. Railway Station, Jodhpur.

2. Thereafter, a show cause notice No. L-5/68/Enf/CLA/5490 dated 6th September, 1968 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the Central Government is satisfied that the licence will not serve the purpose for which it was issued in terms of Clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 as amended.

3. In response to the aforesaid show cause notice, M/s. Lohia Celluloid Industries, Jodhpur had, by their letter dated 25th September 1968 furnished explanation. In their said reply the firm contended that they were manufacturing plastic bangles and the material would be utilised by them in their end product.

4. The undersigned has carefully examined the said representation in consultation with the Director of Industries, Rajasthan and has come to the conclusion that the licence should be cancelled.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1610742/C dated 30th March 1968 for Rs. 3,000/- issued in favour of M/s. Lohia Celluloid Industries, Jodhpur.

[No. L-5/68/ENF/CLA/11873.]

J. S. BEDI,

Joint Chief Controller of Imports and Exports.

(Office of the Joint Chief Controller of Imports and Exports)
(Central Licensing Area)

ORDER

New Delhi, the 12th February 1969

S.O. 773.—M/s. Bulaqi Das Iqbal Chand, 13-Gadodia Market, Delhi-6 were granted an ad-hoc licence No. P/EF/0153904/T/ZZ/29/D/28, dated 29th November, 1968 for Rs. 4,000 for the import of Dry Fruits from Iran for the October—March, 1969 licensing period. They have applied for a duplicate of the Customs copy of the above licence on the ground that the original of the Customs copy has been lost/misplaced. It is further stated by the party that the original Customs copy of the licence was not registered with any Customs House and the licence not utilized at all.

In support of their contention, the applicant has filed an affidavit attested by a Notary Public as required under para 299(2) read with Appendix 8 of I.T.C. Hand Book of Rules and Procedure, 1968 stating that the original Customs copy of the licence has been lost/misplaced. I am satisfied that the original Customs Copy of licence No. P/EF/0153904/T/ZZ/29/D/28 dated 29th November, 1968 for Rs. 4,000 has been lost/misplaced and direct that a duplicate copy for Customs purposes should be issued to the applicant. The original Customs copy of the licence is cancelled.

[No. 21(a)(ii)-IV/48/Iran/Oct-March, 69/IS/CLA.]

C. C. ELING,

Joint Chief Controller of Imports and Exports.

(Office of the Joint Chief Controller of Imports and Exports)

ORDERS

Calcutta, the 14th February 1969

S.O. 774.—A licence No. P/SS/1628158/C/XX/26/CC/25-26/NF dated 4th March 1968 of the value of Rs. 3,48,105/- for import of Copper & Tin was issued to M/s. Bihar Cable & Wire Industries Ltd., Digha, Patna-11 subject to the conditions as under:

- (a) that all items of goods imported under it shall be used only in the licensee holders' factory at the address shown in the application against which the licence is issued, or may be processed in the factory of another manufacturing unit, but no portion thereof shall be sold to any other party or utilised or permitted to be used in any other manner. The licensee shall maintain

a proper account of consumption and utilisation of the goods imported against the licence.

2. Therefore, a show cause notice No. 14/68/E&L dated 4th November 1968 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that their factory had not been functioning properly and they could not produce records of receipt of imported materials, its consumption etc. to the Director of Industries, Bihar in terms of Clause 9, sub-clause (cc).

3. In response to the aforesaid show cause notice, M/s. Bihar Cable and Wire Industries Ltd., Digha, Patna had, by their letter dated 21st November 1968 furnished a detailed explanation.

4. The undersigned has carefully examined the said representation and has come to the conclusion that

(a) that the licence issued in their favour would not serve the purpose for which it was issued.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/16283158/C/XX/26/C/25-26 dated 4th March, 1968 for Rs. 3,48,105/- issued in favour of M/s. Bihar Cable and Wire Industries Ltd., Digha, Bihar.

[No. 14/68/E&L.]

Calcutta, the 17th February 1969

S.O. 775.—A licence No. P/SS/1628327/C/XX/26/C/C/25-26 dated 25th March, 1968 of the value of Rs. 13,333 for import of Ball Bearings and P/SS/1628328/C/XX/26/C/C/25-26 dated 25th March, 1968 of the value of Rs. 26,667 for import of Ball Bearings was issued to M/s. The Punjab Metal Industries Companybagh, Muzaffarpur, Bihar subject to the conditions as under :—

The goods imported under the licence shall be utilised in the licence holders' factory for the manufacture of the end product for which the licence is issued and no portion thereof shall be sold or otherwise transferred to any other party or utilised for a different end product. The licensee shall maintain proper account of consumption and utilisation of the goods imported against the licence.

2. Thereafter, a show cause notice No. 79/68/E&L dated 17th September, 1968 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the firm have misused the imported materials against the earlier licence issued to them in terms of Clause 9, sub-clause (cc).

3. In response to the aforesaid show cause notice, M/s. Punjab Metal Industries, Companybagh, Muzaffarpur, Bihar had, by their letter dated 11th October, 1968 furnished a detailed explanation. In their said reply the firm contended that they have consumed the imported materials after obtaining the release order from the sponsoring authority.

4. The undersigned has carefully examined the said representation and has come to the conclusion that the purpose for which the licences in question were issued would not serve the purpose.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1628327/C/XX/26/C/C/25-26 and P/SS/1628328/C/XX/26/C/C/25-26 both dated 25th March, 1968 for Rs. 13,333 and 26,667 respectively issued in favour of M/s. Punjab Metal Industries, Companybagh, Muzaffarpur, Bihar.

[No. 79/68/E&L.]

J. MUKHERJI,

Dv. Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 18th February 1969

S.O. 776.—Shri K. R. Sampathachar was granted Customs Clearance Permit No. P|J|2364378|N|MA|28|H|27-28, dated 4th September, 1968 for Rs. 12,000/- for import of 1965 Volks Wagon car. He has applied for duplicate of the Customs Clearance Permit on the ground that the original Customs Clearance Permit has been lost. It is further stated that the original Customs Clearance Permit was not registered with any Customs House and not utilized.

In support of this contention Shri K. R. Sampathachar has filed an affidavit. He has undertaken to return the original CCP if traced later to this office for records. I am satisfied that the original Customs Clearance Permit No. P|J|2364378|N|MA|28|H|27-28, dated 4th September, 1968 has been lost and direct that a duplicate Customs Clearance Permit should be issued to him.

The original Customs Clearance may be treated as cancelled.

[No. F.2(B-596/67/68/BLS/5824.]

P. C. NANDA,
Dy. Chief Controller of Imports & Exports.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 18th February 1969

S.O. 777.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standard Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that licence No. CM/L-1747, particulars of which are given below, has been cancelled with effect from 6 February 1969:

Licence No. & date ¹	Name and Address of the Licensee	Article/Process covered by the licensee cancelled	Relevant Standard	Indian Standard
CM/L-1747 15-7-1968	M/s. Chaliha Rolling Mills Private Ltd., 13 Chanditala Lane, Tollygunge, Calcutta-10 having their Office at 5 Mission Row, Calcutta-1	Carbon Steel Billets, Blooms and Slabs for Forgings Class 4	IS : 1875-1966 Speci- fication for Carbon Steel Billets, Blooms and Slabs for Forgings (Revised)	

[No. CMD/55: 1747.]

New Delhi, the 19th February 1969

S.O. 778.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notify that the user fee(s) for unit for various products, details of which are given in the Schedule

hereto annexed have been determined and the fee(s) shall come into with effect from the dates shown against each :

THE SCHEDULE

Sl. No.	Product/ Products	No. and Title of Relevant Indian Standard	Unit	Marking fee per Unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Distemper, dry	IS:427-1965 Specification for distemper, dry, colour as required (revised)	One k.g.	0·5 Paisa	1 February 1969
2.	Steel plates for boilers	IS:2002-1962 Specification for steel plates for boilers.	One tonne	25 Paise	16 February 1969

[No. CMD/13:10.]

S.O. 779.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each:

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/ Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.		Distemper, dry	IS:427-1965 Spec- ification for distemper, dry, colour as re- quired (revised)	The monogram of the Indian Standards Institution consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 February 1969

(1)	(2)	(3)	(4)	(5)	(6)
2		Steel plates for boilers	IS:2002-1962 Specification for steel plates for boilers	The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col. (2) the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 February 1969

[No. CMD/13:9.]

ERRATUM*New Delhi, the 13th February 1969*

S.O. 780.—In the Ministry of Industrial Development and Company Affairs (Indian Standards Institution) Notification published under No. S.O. 368 dated 10th January, 1969 in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated 25th January 1969, the following correction shall be made:

Schedule, Page 424—Insert the following note at the bottom of the page:

"IS : 1460-1968 shall be effective from 1st December, 1968".

[No. CMD/13:8.]

(Dr.) A. K. GUPTA,
Deputy Director General.

MINISTRY OF HEALTH, FAMILY PLANNING AND URBAN DEVELOPMENT
(Department of Health and Urban Development)

New Delhi, the 14th February 1969

S.O. 781.—In exercise of the powers conferred by sub-sections (1), (2) and (3) of section 33-C of the Drugs and Cosmetics Act, 1940 (23 of 1940), and in supersession of the Notification of the Government of India, in the Ministry of Health, Family Planning and Urban Development (Department of Health and Urban Development) No. S.O. 366, dated the 4th October, 1968, the Central Government hereby constitutes with effect from 10th February, 1969, an Ayurvedic and Unani Drugs Technical Advisory Board consisting of the following members and appoints the Director General of Health Service as Chairman thereof namely:—

Ex-officio members under clause (i) to (iv) of sub-section (2) of section 33C:—

1. The Director General of Health Services.
2. The Drugs Controller, India.
3. The Adviser in Indigenous Systems of Medicine, Ministry of Health, Family Planning and Urban Development (Department of Health and Urban Development)
4. The Director of the Central Drugs Laboratory, Calcutta.

Nominated under clause (vi) of sub-section (2) of section 33C:—

Dr. P. N. Mehra, Professor and Head of the Botany Department, Punjab University, Chandigarh.

Nominated under clause (vii) of sub-section (2) of section 33C:—

Dr. (Mrs) Asseema Chatterji, Head of the Department of Chemistry, University of Calcutta, Calcutta.

Nominated under clause (viii) of sub-section (2) of section 33C:—

1. Dr. C. S. Uthamaroyan, Principal, Government College of Indian Medicine, Palayamkottai, Tirunelveli.

2. Shri D. A. Kulkarni, Principal, R. M. Degree Ayurvedic College, Koti Bansmandi, Bareilly.

Nominated under clause (ix) of sub-section (2) of section 33C:—

Vaidya Vishwa Nath Dwivedi, Principal and Head of Ayurvedic Department, Varanasi Sanskrit University, Varansi, U.P.

Nominated under clause (x) of sub-section (2) of section 33C:—

Hakim Shakil Ahmed Shamsi, Hakim Abdul Aziz Road, Lucknow-3.

Nominated under clause (xi) of sub-section (2) of section 33C:—

1. Vaidya Ram Narain, Managing Director, Shri Baidyanath Ayurved Bhawan Private Ltd., Jhansi.

2. Hakim Iqbal Ahmed, Hamdam Dawakhana, Lal Kuan, Delhi-6.

Nominated under clause (x) of sub-section (2) of section 33C:—

1. Vaidya P. Narayana Vaidyan, Madhav Pharmacy, Ernakulam.

2. Hakim Yusuf Hussain Khan, "Darul-Awam" 789-Moghulpura, Hyderabad-2.

[No. F. 4-1/68-D.]

S.O. 782.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th May, 1969.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government:

Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1969.

2. In the Drugs and Cosmetics Rules, 1945,—

(i) in rule 85, for sub-rule (2), the following clause shall be substituted, namely:—

"(2) A licensee whose licence has been suspended or cancelled may appeal to the State Government within three months of the date of the order".

(ii) in rule 93, for sub-rule (2), the following clause shall be substituted, namely:—

"(2) A licensee whose licence has been suspended or cancelled may appeal to the State Government within three months of the date of the order.

[No. F. 1-10/68-D.]

L. K. MURTHY, Under Secy.

(Department of Health and Urban Development)

ORDER

New Delhi, the 18th February 1969

S.O. 783.—Whereas by notification of the Government of India in the late Ministry of Health No. F. 16-15/61-MI, dated the 27th March, 1962, the Central Government has

directed that the Medical qualification "Licenciade en Medicina Cirugia" granted by the University of Valencia (Spain) shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Pereda Ortizde Zarate Amalia who possesses the said qualification is for the time being attached to the Nazareth Hospital, Shillong (Assam) for the purposes of Charitable work.

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies a further period of two years with effect from the 13th October, 1968 or the period during which Dr. Pereda Ortizde Zarate Amalia is attached to the said Nazareth Hospital, Shillong (Assam) whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-1/69-MPT.]

K. DEO, Under Secy.

MINISTRY OF EDUCATION

New Delhi, the 31st January 1969

S.O. 784.—In exercise of the powers conferred by clause (a) of sub-section (2) of Section 5 of the University Grants Commission Act, 1956 the Central Government hereby re-appoints Dr. P. B. Gajendragadkar, Vice-Chancellor, Bombay University as a member of the University Grants Commission with effect from the date of notification. Dr. Gajendragadkar shall hold office for a period of six years or till he continues to be Vice-Chancellor, whichever is earlier.

2. Further in exercise of the powers conferred by clause (b) of sub-section (2) of Section 5 of the aforesaid Act, the Central Government hereby re-appoints Shri P. Govindan Nair, Secretary, Ministry of Finance (Department of Expenditure) as a member of the University Grants Commission with effect from the date of notification for a period of six years or till he holds his present office, whichever is earlier.

3. And further in exercise of the powers conferred by clause (c) of sub-section (2) of Section 5 of the afore-said Act, the Central Government appoints Kumari Indumati Chimanlal, formerly Minister of Education and Health in Gujarat, and Prof. Tapas Majumdar, Professor of Economics, Presidency College, Calcutta, as members of the University Grants Commission for a term of six years with effect from the date of notification vice Prof. A. R. Wadia and Shri B. Shiva Rao, whose terms expired on 30th November, 1968.

[No. F.9-41/68-U2.]

P. D. SHUKLA,
Joint Educational Adviser.

विद्या मंत्रालय

नई दिल्ली, 31 जनवरी 1969

एस० ओ० 785.—विश्वविद्यालय अनुदान आयोग अधिनियम 1956 के खण्ड 5 के उपखण्ड (2) की धारा (क) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार, बम्बई विश्वविद्यालय के कुलपति डा० पी० बी० गजेन्द्रगडकर को, इस अधिसूचना के जारी होने की तारीख से, विश्वविद्यालय अनुदान आयोग के एक सदस्य के रूप में पुनः नियुक्त करती है। डा० गजेन्द्रगडकर की कायदाधि 6 वर्ष अथवा उनके कुलपति रहने तक, जो भी पहले हो, होंगी।

2. इसके अतिरिक्त, उक्त अधिनियम के खण्ड 5 के उप खण्ड (2) की धारा (ख) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार, वित्त मंत्रालय (व्यय विभाग) के सचिव श्री पी० गोविन्दन नाथर को, इस अधिसूचना के जारी होने की तारीख से 6 वर्ष की अवधि के लिए

श्रमिकों उनके वर्तमान पदधारण तक, जो भी पहले हो, विश्वविद्यालय अनुदान आयोग के एक सदस्य के रूप में पुनः नियुक्त करते हैं।

3. इसके अतिरिक्त, उक्त अधिनियम के खण्ड 5 के उपखण्ड (2) की धारा (ग) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार, गुजरात का भूतपूर्व शिक्षा और स्वास्थ्य मंत्री कुमारी इन्दुमती चिमनलाल तथा प्रेसार्डेन्सो कॉलेज, कलकत्ता में अर्थशास्त्र के प्रोफेसर, प्रो॰ तपस मजुमदार को प्रो॰ ए॰ आर॰ बड़िया और श्रो बी॰ शिवराव के स्थान पर, जिनका कार्यकाल 30-11-1968 को समाप्त हो गया है, इस अधिसूचना के जारी होने की तारीख से 6 वर्ष की अवधि के लिये नियुक्त करती है।

[सं॰ एफ॰ 9-41/68-यू॰ 2.]

परमेश्वर दीन शुक्ल,
संयुक्त शिक्षा सलाहकार।

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 17th February 1969

S.O. 786.—In exercise of the powers conferred by section 52(1) of The Delhi Development Act, 1957 (No. 61 of 1957), as amended by the Delhi Development (Amendment) Act, 1963 (No. 56 of 1963) the Delhi Development Authority hereby delegates powers to the Vice Chairman, both to renew on annual temporary basis the non evacuee determined/expired, monthly 3 yearly and 20 years leases and to cancel them.

[No. L-3(12)66-LRC.]

M. L. MONGIA, Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Department of Works and Housing)

New Delhi, the 18th February 1969

S.O. 787.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being gazetted officer of Government, to be estate officer for the purposes of the said Act, and the said officer shall exercise all the powers conferred, and perform the duties imposed, in estate officers by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table.

THE TABLE

Designation of the Officer (1)	Catergories of Public Premises and local limits of jurisdiction. (2)
Deputy General Manager (General), Northern Railway.	Premises under the administrative control of the Northern Railway.
Vigilance Officer, New Delhi Municipal Committee.	Premises belonging to the New Delhi Municipal Committee.

[No. 21011(4)/66-Pol.]

T. K. BALASUBRAMANIAN,
Deputy Director of Estates and
Ex-Officio Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 14th February 1969

S.O. 788.—In exercise of the powers conferred by Sub-section (2) of Section 5 of the Cinematograph Act, 1952, the Central Government has been pleased to appoint Shri A. K. Sarkar, Regional Officer, Directorate of Field Publicity, to officiate as Regional Officer, Central Board of Film Censors, Calcutta vice Shri B. K. Nundee who retired from service with effect from the afternoon of 31st January, 1969 until further orders.

[No. 2/19/69-F(C).]

H. B. KANSAL, Under Secy.

सूचना तथा प्रशारण मंत्रालय

नई दिल्ली, 14 फरवरी 1969

ए.प्रो. 789.—चलचित्र अधिनियम की धारा 5 की उप-धारा (2) के द्वारा दिए गए अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने श्री ए. के. सरकार, प्रादेशिक अधिकारी, केन्द्रीय प्रचार निदेशालय, को 31 जनवरी, 1969 के द्वपरान्त से अगले आदेश तक, श्री बी. के. नन्दो के स्थान पर जो सेवा निवृत्त हो गए हैं, स्वानापन प्रादेशिक अधिकारी, केन्द्रीय फ़िल्म सेंसर बोर्ड, कलकत्ता नियुक्त किया है।

[संख्या 2/19/69-एफ(सी).]

हरिहार कंसल, अवर सचिव।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 18th February 1969

S.O. 790.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the P. D. Kajora Colliery, Post Office Kajoragram, District Burdwan and their workmen, which was received by the Central Government on the 11th February, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE NO. 38 OF 1968

PARTIES :

Employers in relation to the P. D. Kajora Colliery,

and

Their workmen

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES :

On behalf of Employers—Shri Provat Kr. Mukherjee, Labour Adviser.

On behalf of Workmen—Shri Benarsi Singh Azad, General Secretary, Khan Shramik Congress.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/62/68-LR-II, dated August 9, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the P. D. Kajora colliery and their workmen, to this tribunal, for adjudication:

"Whether the management of P. D. Kajora Colliery, Post Office Kajoragram, District Burdwan was justified in stopping the work of Sri Ram Autar Kabar, underground trammer with effect from the 9th April 1968? If not, to what relief is he entitled?"

2. The cause of the workman was espoused by a trade union known as Khan Shramik Congress. That union filed a written statement on behalf of the workman. In paragraph 3 of the written statement it was stated:

"3. The Employer, without any justification whatsoever for a long time has been maintaining unfair labour practice to their workmen with the help of their recognised Colliery Mazdoor Sabha Union. The workman protested several times verbally against the illegal and lawless activities of the management as well as of the union but they did not care. The Colliery Mazdoor Sabha Union was also started to threaten the innocent workmen of the above colliery. Thus the workman with 113 workmen of the colliery left the organisation of the Colliery Mazdoor Sabha Union and they submitted their joint resignation letter dated 19th January 1968 to the A.L.C. Raniganj copy to the Manager of the colliery and others.

In the next paragraph the case pleaded was:

"The workman with 113 workmen of the above colliery joined the organisation of the Khan Shramik Congress Union. The workman of this union has formed a Branch Committee of this Shramik union in the said colliery. The workman concerned is the active member of this union and took the leading part to organise this union. So the said Management as well as the said Colliery Mazdoor Sabha Union became displeased because they do not want to develop this Shramik union into their colliery. So the employer with the instigation of their recognised union started to harass the innocent workmen illegally and wrongfully stopping their work without any notice and without any reason."

Then again, the written statement further stated in paragraph 4:

"4. That the above Employer, being displeased stopped the work of the workman from 8th April, 1968 without any notice and without any reason. The workman requested to the said Employer verbally and also in writing Regd. Letter dated 11th April, 1968 for his job, the copy of the letter of the workman is hereunto annexed and marked with the letter 'B'."

Annexure B referred to in the paragraph quoted above is Ext. A before this tribunal and reads:

"With due respect and humble submission I beg to lay few lines for your kind consideration. That you have suddenly stopped my work since last 9th April, 1968 without any notice and reason. I am a permanent and regular worker of your colliery and have been working for about four years. I approached you several times and requested you to consider my case but sorry no sympathy was shown by you.

Under the above circumstances I am approaching you by Regd. letter for my job, and requesting to reinstate me at the work with full back wages for my non-employment period and oblige."

To this letter the management sent following reply, (Ext. 5):—

"Re. Your letter dated 11th April 1968

Your allegations are baseless and malicious. You have been deliberately absenting from duty without any information since 8th April, 1968. As a result of above you have lost lien on your service."

3. The management also filed a written statement. In paragraph 2 of the written statement, the management disputed the *locus standi* of Khan Shramik Congress to represent

the workmen of the colliery. In paragraph 3(b) of the written statement it is *inter alia* stated:

"(b) This employer denies that the workman was a permanent workman or he worked in the said Colliery since long as permanently or regularly or without blemish whatsoever as alleged in paragraph 2 of the said written statement."

In paragraphs 6 and 7 of the written statement it was stated:

"6. This employer denies the statements and/or allegations made in paragraph 4 of the said written statement. This employer denies in particular that this employer being displeased stopped the work of the workman from 8th April, 1968 without any notice and without any reason. This employer further states that no question of cooperation of the said alleged Shramik Union arises as the management was unaware of the existence of the said Shramik Union.

7. With further reference to the said paragraph this employer states that as the said workman absented himself continuously from his duty without any information since 3rd (?) April, 1968, his service was terminated and this was intimated to the workmen by the Management by its letter dated 24th April, 1968 sent under Registered Post on the refusal of the workman to take delivery per Pcon Book."

I have already referred to the letter dated April 24, 1968. It is Ext. 5 before this tribunal. Although the *locus standi* of the Khan Shramik Congress to represent the workmen was disputed, in the written statement by the management, no point of that was made before me and I need not concern myself with the objection taken in the written statement.

4. Mr. Provat Kr Mukherjee, Labour Adviser of the employer colliery, very strenuously disputed that the concerned workman was an underground trammer. His case was that the workman was appointed as a pickminer. There is no appointment letter showing the position in which the workman was first appointed. It, however, appears from the register of wages, Ext. 1, entry No. 253 of the register of employees, Ext. 2, and register of persons employed below ground, Ext. 4 that the concerned workman was described as a pickminer. The manager of the colliery who have evidence before the tribunal, however, admitted that the workman was temporarily placed to work as a trammer. That was immediately before the disputed incident happened to him. In his cross-examination also he admitted that the concerned workman was temporarily promoted as a trammer. This is also the evidence of the workman himself. He says that during his long period of service he worked as a trammer for a period of three months or three months and a half only and he was stopped from working while working as a trammer. Regard being had to this state of evidence, I have to hold that the concerned workman was substantively appointed as a pickminer. He was allowed to work as a trammer on temporary basis, and he was working as a trammer upto April 9, 1968. Whether he is not allowed to continue as a trammer or the management can revert him to his substantive appointment as a pickminer, I need not decide in this reference.

5. The next question for my consideration is whether the workman was a permanent workman. On this point, I have little difficulty because there is a definite admission in cross-examination by the manager of the colliery to the effect that the concerned workman was a permanent pickminer, temporarily promoted as a trammer. Thus he had some permanent appointment in the concerned colliery.

6. I now turn to the most important question in this reference, namely whether the concerned workman was stopped from working or whether he began to absent himself of his own accord. The manager of the colliery in his evidence says:

"I do not know why the concerned workman left work. He was regularly working as a pickminer in the colliery; he was, however, placed temporarily to work as a trammer. He did the work of a trammer for sometime. When, thereafter, we sought to revert him to his old position as a pickminer, he began to absent himself. He began to absent himself with effect from April 9, 1968"

I have great difficulty in accepting this version. The manager in his examination in-chief made a definitely incorrect statement to the following effect:

"Ram Autar never wrote to the colliery since after he began to absent himself. On April 24, 1968, I wrote this letter to Ramabatar, the concerned workman (Copy of the letter is marked Ext. 5)."

Ext. 5 itself refers to the workman's letter dated April 11, 1968 and characterises the allegations made in that letter as baseless and malicious. Confronted with the letter of the workman dated April 11, 1968 (Ext. A), which I have already set out, this witness toned down and said:

"Ramabatar never saw me personally but he wrote to me a letter. That was before I wrote to him letter Ext. 5. The letter written to me by Ramabatar is dated April 11, 1968. This is the copy of the letter. The letter was sent to me by registered post. The postal acknowledgement receipt bears my signature."

To the letter of the Manager, dated April 24, 1968 (Ext. 5) the workman sent a reply dated May 2, 1968 (Ext. B) to the following effect:-

"With due respect and humble submission I beg to state that my allegation against you is wholly justified and true, as clearly shown in my letter of 11th April, 1968. I have never been absenting myself from duty, rather you have stopped me from work without any notice and reason. I am a permanent and regular worker of your colliery for a long period but this type of stoppage of work without notice reason and enquiry is wholly unjust, malafide, victimisation in natural justice. I have not refused to receive your letter of 24th April 1968. Your allegation is totally false and baseless.

You have served this illegal letter during the pending of conciliation, so this is totally illegal. I, therefore, request your honour to consider my case sympathetically and reinstate me to work with full back wages for my non-employment period and oblige."

It does not appear that a reply to Ext. B was sent by the management.

7. Apart from this no record was produced by the management to show that the concerned workman began to absent himself from April 9, 1968. There was a register of persons employed below ground produced before this tribunal (Ext. 4) but that register ended with the period January 27, 1968 and was absolutely irrelevant for the purpose of this reference. In course of his cross-examination, the manager of the colliery admitted :

"The work starts on Monday every week, Sunday being a rest day. If the 8th of April was not a Sunday, Ramabatar must have been on duty. The week started from 8th April, 1968. If a man attended on 8th April, 1968, that is to say on the first day of the week, his name will continue on the register for that week. If a man absents himself after working on the first day of the week, his absence is usually marked by a cross mark or a hyphen mark."

He did not, however, explain as to why the relevant attendance register, which would have shown that in the week beginning from April 8, 1968, Ram Autar was marked as absent either by a cross mark or a hyphen mark with effect from April 9, 1968 was not produced. Thus, apart from what the manager says orally, there is no evidence that the concerned workman became guilty of absenteeism. If he was really guilty of absenteeism, it was expected that he would have been charged for absenteeism and dismissed from service. Nothing was done like that. I am, therefore, unable to believe in the story that the workman began all of a sudden to absent himself from duty.

8. If no action had been taken against him for absenteeism then the workman must have been stopped from work and that was not justified. I, therefore, hold that the management of P. D. Kajora Colliery was not justified in stopping the work of Sri Ram Autar Kahar with effect from 9th April, 1968. Since he was illegally stopped from work, he is entitled to his back wages for the period of forced unemployment, because it appears that he has been throughout unemployed.

This is my award.

(Sd.) B. N. BANERJEE, Presiding Officer.

Dated, February 5, 1969.

[No. 6/62/68-LRII.]

S.O. 791.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Andhra Pradesh, Hyderabad, in the matter of an application under section 33A of the said Act, from Shri Mekala Lingaiah M. and R. Mazdoor, Shanti Khani, Belampalli Division, Belampalli which was received by the Central Government on the 5th February, 1969.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

MISCELLANEOUS PETITION NO. 91 OF 1968

IN

INDUSTRIAL DISPUTE NO. 30 OF 1967

BETWEEN

Mekala Lingaiah, M. & R. Mazdoor, Shanti Khani, Belampalli Division, Belampalli.

AND

The Manager, Shanti Khani, Belampalli Division, Singareni Collieries Co. Ltd., Belampalli (Post), Adilabad District.

AWARD

This application is under Section 33A of the Industrial Disputes Act. The applicant, Mekala Lingaiah was mazdoor in the employ of the respondent Collieries at Belampalli. The Management had charge-sheeted him for unauthorised absence for more than 10 days from onward 6th March 1968, and following a domestic enquiry he was removed from the rolls of the Company with effect from 27th March, I.D. No. 30/67 is pending here, the parties to it being the Management of the Singareni Collieries on the one side and its employees on the other. The issue in it relates to revision of fitments. The applicant was thus concerned with that dispute. The Management did not deem it necessary to file application under the proviso to sub-section 2 (b) of section 33 of the I.D. Act. The applicant filed this application under section 33A complaining that the Management had violated the provisions of section 33 and praying that he be put back into employment with retrospective effect with back wages. The Management filed counter to say that as the applicant was absent from duty for more than 10 days without leave being sanctioned, he was liable to be removed from the rolls of the Company, and that even so it had conducted an enquiry by way of abundant caution to find if there are any extenuating circumstances to allow the petitioner to continue in employment. It is stated that as there was no extenuating circumstance in that behalf, the applicant was found to have lost his lien on his job as per the Standing Orders of the Company. It is further stated that there was no question of the Management violating the provisions of section 33.

2. After this application came up for enquiry there was a settlement between the parties under Rule 58 (4) of the I.D. Act on 6th December 1968. It is signed by Mr. S. Nagiah Reddy who is President of the Tandur Coal Mines Labour Union, Belampalli, and the applicant, Mekala Lingaiah, has put his thumb impression upon it. On behalf of the Management it is signed by Mr. B. G. Pradhan, Deputy General Manager, and Mr. Shyam Mohan the Personnel Officer. According to the terms of the settlement, the Management had taken back Lingaiah into employment with effect from 6th December 1968 subject to his not pressing for wages for the period upto his resuming duty, the said period being treated as authorised leave or loss of pay. Lingaiah agreed to that condition. Clause 3 in the settlement states that under the circumstances the Management would not press the counter filed in this application. The above settlement is attested by two witnesses, Prabhakararao and N.P.N. Chary. The said settlement is accompanied by a memo from the applicant, Lingaiah, to say that in view of the aforesaid settlement he withdraws the application made by him.

3. In view of the applicant, Mekala Lingaiah, having been taken back into employment subject to the condition to which he had agreed, there is no further relief to be granted to him in this application under section 33A of the I.D. Act. The application is therefore terminated.

Award passed accordingly.

Given under my hand and the seal of the Tribunal, this the 29th day of January, 1969.

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.

[No. 7/21/67-LRII (I).]

S.O. 792.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Andhra Pradesh, Hyderabad, in the matter of an application under section 33A of the said Act, from Shri Ekkala Laxmaiah, Coal Filter, G. No. I, Shanti Khani, Belampalli Division, Belampalli (Post), Adilabad District, which was received by the Central Government on the 5th February, 1969.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Shri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

MISCELLANEOUS PETITION NO. 91 OF 1968

IN

INDUSTRIAL DISPUTE NO. 30 OF 1967

BETWEEN

Ekkala Laxmaiah, Coal Filter, G. No. I, Shanti Khani, Belampalli Division, Belampalli (Post), Adilabad District.

AND

The Manager, Shanti Khani, Belampalli Division, Belampalli (Post), Adilabad District.

AWARD

This application is under section 33A of the Industrial Disputes Act. The applicant, Ekkala Laxmaiah, was coal filler in the employ of the respondent Collieries at Shanti Khani at Belampalli Division. On the ground that the applicant was unauthorisedly absent from duty for more than 10 days for which his name was liable to be struck off from the rolls of the Company, the Management had, after an enquiry, found that he was unjustifiably absent for such period from duty, and by order dated 1st December, 1968 his name was removed from the rolls of the Company. I.D. No. 30/67 is pending here, the parties to it being the Management of the Singareni Collieries Company Ltd., on the one side and its employees on the other. The issue in it is in respect of revised fitments. The applicants was thus concerned with that dispute. The Management did not deem it necessary to make an application under the proviso to sub-section 2(b) of section 33 of the I.D. Act. Coal filler Laxmaiah filed this application complaining that the Management had violated the provisions of section 33 and praying that he be put back into employment with retrospective effect with back wages. The Management filed counter to say that it had held an enquiry by way of abundant caution to see if there were any extenuating circumstances to condone Laxmaiah's absence from duty and that none such being found his name was removed from the rolls of the Company because he could be so removed from the rolls under the Standing Orders of the Company. It is stated that there was no violation of the provisions of section 33 and that therefore there was no need to have made an application under the proviso to sub-section 2(b) of section 33 of the Act.

2. After this application had come up for enquiry there was a settlement dated 6th December 1968 under Rule 58(4) of the I.D. Act. That document is submitted by both parties to the Tribunal. It is signed by Mr. S. Nagiah Reddy, President of the Tandur Coal Mines Labour Union, Belampalli, and by the applicant, Ekkala Laxmaiah. On behalf of the Management it is signed by Mr. G. B. Pradhan, who is the Deputy General Manager, and by Mr. Shyam Mohan the Personnel Officer. It is attested by two witnesses, B. Prabhakararao and N. B. N. Chary. The Management took back the applicant into employment subject to his foregoing wages upto the point of time of his resuming duty. The applicant had agreed to it. Clause 3 in it states that under the circumstances the Management does not press the counter filed in the application. This settlement is accompanied by a covering letter of the applicant that in view of his being taken back into employment subject to the condition as set out in the settlement, he withdraws his application under Section 33A.

3. In view of the applicant being taken back into employment subject to the condition stipulated in the settlement and agreed to by the applicant, there is no further relief to be

granted to him in this application under Section 33A of the I.D. Act. The application is therefore terminated.

AWAD passed accordingly.

Given under my hand and the seal of the Tribunal, this the 29th day of January, 1969.

M. NAJMUDIN,
Industrial Tribunal.

[No. F.7/21/67-LRII-(ii).]

New Delhi. the 19th February 1969

S.O. 793.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the Industrial dispute between the employers in relation to the management of Vishveshwari Khandra Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 14th February, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 47 OF 1968

PARTIES :

Employers in relation to the management of Khandra Colliery,

AND

Their workmen

PRESENT :

Shri B. N. Banerjee Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri A. Sarkar, Advocate.

On behalf of Workmen.—Shri Rajdeo Singh, General Secretary, Colliery Kranti Mazdoor Union.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/58/68-LRII, dated October 7, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Khandra Colliery and their workmen, to this tribunal, for adjudication:

"Whether the action of the management of Vishveshwari Khandra Colliery, Post Office Ukhra, District Burdwan in stopping from work the workmen mentioned below with effect from the 26th April, 1968 was justified :—

1. Shri Kishun Bhuiyan.
2. Shri Raghu Bhuiyan.
3. Shri Prem Bhuiyan.
4. Shri Tulasi Bhuiyan.
5. Shri Panchu Bhuiyan.
6. Shri Rambhaiju Bhuiyan.
7. Shri Kashi Bhuiyan.
8. Shri Ramsarup.
9. Shri Mathura Bhuiyan.
10. Shri Ram Prasad.
11. Shri Pariage Siuian.
12. Shri Sibu Bhuiyan.
13. Shri Dhani Bhuiyan.
14. Shri Hari Bhuiyan.
15. Shri Saraswati Bhuiyan.
16. Shri Geni Bhuiyan.
17. Shri Fulia Bhuiyan.
18. Shri Lakhia Bhuiyan.
19. Shri Laungi Bhuiyan.
20. Shri Nuntbati Bhuiyan.
21. Shri Paroo Bhuiyan.

22. Shri Panwa Bhuiyan.
23. Shri Santi Bhuiyan.
24. Shri Saniohary Bhuiyan.
25. Shri Samary Bhuiyan.
26. Shri Adory Muchi.
27. Shri Balai Muchi.
28. Shri Baha Harijan.
29. Shri Bhadi Dhangar.
30. Sri Jitani Bhuiyan.
31. Sri Chhotan Bhuiyan.
32. Sri Jogeswar Turi.
33. Sri Kanhai Majhi.
34. Sri Muru Majhan.
35. Sri Girija Bhuiyan.
36. Sri Ratra Bhuiyan.
37. Sri Parsadia Bhuiyan.
38. Sri Chunna Kora.
39. Sri Karia Bhuiyan.
40. Sri Ariun Bhuiyan.
41. Sri Sabo Bhuiyan.
42. Sri Lakshmi.
43. Sri Jugal Bhuiyan.
44. Sri Mahadeo Bhuiyan.
45. Sri Panchu Bhuiyan.
46. Sri Jagadish Bhuiyan.
47. Sri Madho Bhuiyan.
48. Sri Duleswary.
49. Sri Sarasatia.
50. Sri Gulabi.
51. Sri Rahki.
52. Sri Somary.
53. Sri Jitani.
54. Sri Mukhia.
55. Sri Srimati.
56. Sri Kalo Bhuiyan.
57. Sri Lochan.
58. Sri Mahabir Bhuiyan.
59. Sri Baleswar Bhuiyan.
60. Sri Mahender Rajwar.
61. Sri Hiru Bhuiyan.
62. Sri Hanji Bhuiyan.
63. Sri Chhabi Bhuiyan.
64. Sri Mantoo Bhuiyan.
65. Sri Baburam Hajhi.
66. Sri Sona Majhi.
67. Sri Jagat Majhi.
68. Sri Triberi Mahato.
69. Sri Nitai Bouri.
70. Sri Podi Bouri.
71. Sri Bhagwat Singh.
72. Sri Badani Kole.
73. Sri Malati Kole.
74. Sri Jitani Bhuiyan.
75. Sri Santi Laungi.
76. Sri Kaili Bhuiyan.
77. Sri Sabo Bhuiyan.
78. Sri Laungi.
79. Sri Baldeo Bhuiyan.
80. Sri Nukhian.
81. Sri Mahabir Bhuiyan.
82. Sri Baleswar Bhuiyan.
83. Sri Mahendar Rajwar.
84. Sri Hiru Bhuiyan.
85. Sri Manji Bhuiyan.
86. Sri Chabi Bhuiyan.
87. Sri Mantoo Bhuiyan.
88. Sri Baburam Majhi.
89. Sri Sona Majhi.
90. Sri Jagat Majhi.
91. Sri Tribeni Mahato.
92. Sri Nitai Bouri

93. Sri Podi Bouri.
94. Sri Bhagwat Singh.
95. Sri Bodani Kole.
96. Sri Malati Kole.
97. Sri Jitani.
98. Sri Santi.
99. Sri Laungi.
100. Sri Kaili Bhuiyan.
101. Sri Sabo Bhuiyan.
102. Sri Baldeo Bhuiyan.
103. Sri Mukhia.

If not, to what relief are the workmen entitled?"

2. The case of the workmen was espoused by a trade union known as Colliery Kranti Mazdoor Union, which filed a written statement. The employer colliery also filed a written statement. At the hearing today, there was a petition filed before the tribunal signed by the General Secretary, Colliery Kranti Mazdoor Union and the Managing Director of the Managing Agency of Vishveshwari Khanda Colliery, that is to say the concerned colliery. In paragraphs 2 and 3 of the petition the following statements appear:

- "2. That the Union has not been able to contact any of the workmen mentioned in the schedule of the reference.
3. That, in view of the above, the Union does not want to pursue the present reference any further and the present dispute may be treated as non-existent."

3. Mr. Rajdeo Singh, General Secretary of the Colliery Kranti Mazdoor Union himself appeared before the tribunal and the management was represented by Mr. A. Sarkar, Advocate. Both of them asked for the recording of a 'no dispute' award in this reference. On the prayer of the parties, I record a 'no dispute' award in this matter. There is a further paragraph contained in the petition to the following effect:

- "4. That in view of the above, and on the request of the Union, the management agrees that if the Union is able to contact any of the workmen mentioned in the schedule and forward their names to the management within a fortnight of this settlement, they will be employed as casual wagon loaders by the management and work provided as and when available."

Since I have, on the prayer of the parties made a 'no dispute' award in this matter, I merely note the agreement contained in Paragraph 4 above.

Let the petition filed before me form part of this award.

Dated, February 7, 1969.

(Sd.) B. N. BANERJEE, Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

IN THE MATTER OF REFERENCE NO. 47 OF 1968

AND

In the matter of an Industrial dispute.

BETWEEN

Employers in relation to the management of Vishveshwari Khanda Colliery.
Their workmen.

AND

Their workmen.

The management, and the workmen represented by Colliery Kranti Mazdoor Union jointly beg to state as follows:-

1. That the dispute pending before the Honourable Tribunal has been amicably settled between the parties.
2. That the Union has not been able to contact any of the workmen mentioned in the schedule of the reference.
3. That, in view of the above, the Union does not want to pursue the present reference any further and the present dispute may be treated as non-existent.

4. That in view of the above, and on the request of the Union, the management agrees that if the Union is able to contact any of the workmen mentioned in the schedule and forward their names to the management within a fortnight of this settlement, they will be employed as casual waged labour by the management and work provided as and when available.

The parties therefore pray that this settlement may be recorded and an award passed accordingly.

For Workman.

(Sd.) RAJDEO SINGH,
General Secretary.
Colliery Kranti Mazdoor Union.

For Employer.

(Sd.) J. N. ROY,
Vishveshwari Khandra
Colliery.
[No. 6/58/68-LRII.]

S.O. 794.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bararee Colliery of East Indian Coal Company Limited, Post Office Jealgora (Dhanbad) and their workmen, which was received by the Central Government on the 14th February, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD

PRESENT :

Shri Nandagiri Venkata Rao, *Presiding Officer.*

REFERENCE No. 5 of 1967

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the Bararee Colliery of East Indian Coal Company Limited, Post Office Jealgora (Dhanbad District).

AND

Their workmen.

APPEARANCES :

On behalf of the employers—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen—Shri S. S. Kapur, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, 7th February, 1969

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Bararee Colliery of East Indian Coal Company Limited, Post Office Jealgora (Dhanbad District) and their workmen, by its order No. 2/43/67-LRII dated 20th April, 1967 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"(1) Whether the dismissal of Shri Bisheshwar, Oil Issue Clerk by the management of Jealgora Colliery of East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad, with effect from 23rd October, 1964 was justified?
(2) If not, to what relief is the workman entitled?".

2. Workmen as well as the employers filed their statements of demands.

3. Shri Bisheshwar (hereinafter referred to as the affected workman) was employed as an Oil Issue Clerk at Bararee colliery of the employers. On 8th October, 1964 a charge-sheet was issued to him stating that he had drawn Cane Baskets against requisition No. 8141 dated 1st October, 1964 after altering the figure '1' Cane Basket to '9' Cane

Baskets after the requisition was finally passed by the Agent and that he had altered the figure in requisition No. 8104 dated 5th September, 1964 from '30' gallons of K. Oil to '130' gallons of K. Oil and took K. Oil against the requisition. To the charge-sheet the affected workman submitted his explanation. In presence of the affected workman a domestic enquiry was held by the Labour Welfare Officer on 17th October, 1964. As a result of the domestic enquiry the Labour Welfare Officer submitted his report on 19th October, 1964 holding the affected workman guilty under the two counts of the charge. Accepting the finding the Chief Mining Engineer issued a letter dated 23rd October, 1964 to the affected workman dismissing him from service with effect from 9th October, 1964. These facts are not in dispute. The case of the workmen is that the domestic enquiry was conducted in contravention of the principles of natural justice and that the action of the management against the affected workman was *mala fide* and taken with a view to victimise him for his trade union activities. The employers pleaded that the domestic enquiry was proper and justified and that the action of the management in dismissing the affected workman was fully justified as the same was *bona fide* and based on proved misconduct. They denied victimisation of the affected workman in any manner. The workmen were represented by Shri S. S. Kapur, Advocate and the employers by Shri S. S. Mukherjee, Advocate. On admission by the employers Exts. W1 to W3 for the workmen and on admission by the workmen, Exts. M1 to M3 for the employers were marked. On behalf of the workmen the affected workman was examined as WW.1 and Exts. W4 and M4 to M8 were marked. The employers examined a witness and marked Exts. M9 and M10. By consent of parties Ext. M11 was marked.

4. Ext. M11 are the Certified Standing Orders applicable to the colliery of the employers. Order 27 thereof deals with misconduct and lays down that an employee found guilty of misconduct may be suspended, fined or dismissed. Clause 2 of the order defines theft, fraud or dishonesty in connection with the Company's business or property as a misconduct. The affected workman was issued a charge-sheet, Ext. M1 on 8th October, 1964. The charge was under two counts, that he had 'drawn Cane Baskets against requisition No. 8141 dated 1st October, 1964 after altering the figure '1' Cane Basket to '9' Cane Baskets after the requisition was finally passed by the Agent and that he had altered the figure in requisition No. 8104 dated 5th September, 1964 from '30' gallons of K. Oil to '130' gallons of K. Oil and took K. Oil against the requisition. It was also mentioned that the two acts alleged constituted misconduct under order 27(2) of the Standing Orders, Ext. M11. The explanation submitted by the affected workman to the charge-sheet is Ext. M2. Regarding the first count of the charge the affected workman admitted having altered the figure '1' to '9' and explained that being absent minded he had written '1' and when it occurred to him that '9' baskets were necessary he made it nine in both the copies and wrote in words also, but he had forgotten to make the correction in the original. He further stated that it was a *bona fide* mistake. As for the other count of the charge, altering the figure '30' into '130' gallons, he stated that he did it under the order from the Manager as there was shortage of oil due to draining of huge quantity of oil by the labourers on the date of the disturbances on 3rd October, 1964. The Labour Welfare Officer, MW.1 conducted the domestic enquiry into the charge-sheet, Ext. M1 on 17th October, 1964. It is his evidence that the affected workman was present throughout the enquiry. The affected workman, WW.1 also has admitted that he attended the enquiry. The enquiry proceedings are Ext. M9 and they show that during the enquiry the Agent, Shri D. N. Mehra, and the Colliery Manager, Shri C. S. Sharma were examined, that the affected workman declined to cross-examine Shri D. N. Mehra but cross-examined Shri C. S. Sharma. He has admitted his signature in 5 places on his statement, Ext. M8 recorded by the Enquiry Officer. I find the same signature under the cross-examination of Shri C. S. Sharma by the affected workman. Through the report, Ext. M10 the Enquiry Officer found the affected workman guilty under both counts of the charge and the Colliery Manager recommended dismissal of the affected workman. It is not in dispute that the affected workman was dismissed by the letter Ext. M3 dated 23rd October, 1964. The case of the workman is that the domestic enquiry was perfunctory and in utter violation of the principles of natural justice. It is complained that the statements of witnesses recorded in English during the enquiry were not explained to the affected workman in Hindi, in spite of his request. The enquiry proceedings contain the endorsements that the statements were read over, explained in Hindi and admitted to be correct. When the Enquiry Officer came into the witness box as MW.1 not even a question was put to him in the cross examination in this respect. Even the affected workman, who is examined as WW.1 has not a word of complaint in this regard. Another serious complaint is that the affected workman was not given an opportunity to produce his defence witnesses even when he had requested for the same in writing and Ext. W.4 was produced. Ext. W.4 is said to be a copy of an application submitted to the Enquiry Officer during the enquiry to call for 3 defence witnesses and adjourn the enquiry for the purpose. The

Enquiry Officer, MW.1 has denied emphatically that any such application was submitted to him. There is no explanation how the affected workman happened to keep with him a copy of an application submitted to the Enquiry Officer during the enquiry. The failure report of the Assistant Labour Commissioner (C) Dhanbad in the case is Ext. W2. There is no mention in it that during the enquiry original of Ext. W.4 was submitted or that the affected workman was not given an opportunity to examine his defence witnesses. The affected workman, WW.1 has conceded that he did not write to the Labour Department or his union at any time that the enquiry was concluded without examining the defence witness. It is significant to observe his evidence that his statement was recorded before he submitted the application, original or Ext. W.4 and he has admitted his statement, Ext. M8. In Ext. M8 he has stated categorically that he had no witness in his defence. His statement, Ext. M8 was recorded after the statements of the two witnesses of the management were recorded and no further statement was recorded after Ext. M8. In view of the clear statement that he had no witness in his defence there could be no occasion for the affected workman to submit any application for summoning his defence witnesses and as such it appears to me highly improbable that he had submitted the application, original of Ext. W.4. Further, it is admitted by the affected workman that he did not take any defence witness along with him to the enquiry. I do not see that the Enquiry Officer was bound to summon any defence witness or adjourn the hearing for the purpose. For these reasons I do not see that the Enquiry Officer had violated any of the principles of natural justice in conducting the enquiry. From the statement of the two witnesses of the management it is abundantly clear that the affected workman had altered the figures in the two requisitions after they were passed by the authorities giving rise to the irresistible inference that he had misappropriated to himself the extra baskets and K. Oil. Even before this Tribunal no request was made on behalf of the workman to summon the Agent or the Colliery Manager to substantiate the case that the alterations in the figures were made with the consent or under the orders of the Agent or the Colliery Manager. As I have already pointed out alteration of the figure in respect of the baskets is admitted by the affected workman after the requisition was finally passed by the authorities. On the face of this material I do not find any substance in the case set up by the workman.

5. The charge-sheet, Ext. M1 against the affected workman was issued on 3rd October, 1964 and pending enquiry he was suspended forthwith. He was dismissed from service by the letter, Ext. M3 dated 23rd October, 1964 with effect from 9th October, 1964. It is argued that the employers could not keep the affected workman under suspension for more than 10 days and that they could not dismiss him with retrospective effect. But the reference calls for adjudication whether the dismissal of the affected workman with effect from 23rd October, 1964, the date of the dismissal letter, Ext. M3 was justified. Consequently, I am to take that the affected workman was dismissed only from 23rd October, 1964 and not from the 9th October, 1964 as stated in the dismissal letter, Ext. M3.

6. I, therefore, hold that the dismissal of the affected workman Shri Bisheshwar, Oil Issue Clerk by the management of Jealgora Colliery of East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad with effect from 23rd October, 1964 was justified and consequently, he is not entitled to any relief. The Award is made accordingly and submitted under section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal (No. 2)
Dhanbad.

[No. 2/43/67-LRIL.]

New Delhi, the 20th February 1969

S.O. 795.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Shri Vinod Kumar, Monopoly Contractor, Inganijharan Manpanese Mines of Messrs. Bhanja Minerals (Private) Limited, P.O. Chamakpur, District Keonjhar and their workmen, which was received by the Central Government on the 14th February, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 40 OF 1968

PARTIES :

Employers in relation to the management of Shri Vinod Kumar, Monopoly Contractor, Inganjharan Manganese Mines of Messrs. Bhanja Minerals (P) Limited,

AND

Their workmen.

PRESENT :

Shri B. N. Banerjee—*Presiding Officer.*

APPEARANCES :

On behalf of Employers—Absent.

On behalf of Workmen—Absent.

STATE : Orissa

INDUSTRY : Mining

AWARD

By Order No. 35/11/68-LRI, dated August 22, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred, to this tribunal, for adjudication, the following dispute :

"Whether the action of Shri Vinod Kumar, Monopoly Contractor, Inganjharan Manganese Mines of Messrs. Bhanja Minerals (Private) Limited, Post Office, Chamakpur, District Keonjhar in enhancing the price of rice supplied to the daily rated workmen was unjustified? If so, to what relief are the workmen entitled?"

2. The cause of the workmen was espoused by a trade union known as Keonjhar Mines & Forest Workers Union, which filed a written statement on September 12, 1968. The employers obtained one extension to file written statement and thereafter filed written statement on October 18, 1968.

3. Notice was sent to the parties on December 11, 1968 asking them to appear before this tribunal on December 19, 1968 for fixation of a date of hearing. On 19th December, 1968, however, nobody appeared before this tribunal. Since the parties were to come from the State of Orissa, the Tribunal fixed a peremptory date of hearing after a long interval, that is to say on February 11, 1969. Information about the date fixed for hearing was sent to the parties under registered post, which was received by the management on December 21, 1968 and by the General Secretary of the trade union on December 27, 1968.

4. On December 20, 1968, however, this tribunal received a letter from the Assistant Secretary of the Trade Union stating :

"That the General Secretary of the union has gone U.S.S.R. as a delegate of A.I.T.U.C., and the President of the union also out of station. So, therefore, we are not in a position to attend the hearing, which was fixed by you on 19th December, 1968 at 10.30 A.M. regarding fixing the date and place for further hearing of the case."

The prayer contained in the letter was for fixation of another date for fixing the peremptory date of hearing. This tribunal, however, did not consider necessary so to do because the date had already been fixed and there was a long gap of time which was sufficient to enable the workers union to make arrangements for appearance before this tribunal on the date of peremptory hearing.

5. Another letter was received from the employers stating the reason that they were unable to attend on December 19, 1968. That reason was that the notice was received too late. Since the date had already been fixed, nothing further was done on this information.

6. This day, however, nobody turned up, neither the employer nor any representative of the trade union. What is worse, no information was sent to this tribunal as to the reason for the absence. In these circumstances, I presume that there is no further

dispute subsisting between the parties and they are not keen to get on with the reference. I, therefore, pass a 'no dispute' award in this matter.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated,
February 11, 1969.

[No. 35/11/68-L.R.I.]

S.O. 796.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the management of Gua Iron Ores Mines of Messrs. Indian Iron & Steel Company Limited, Post Office, Gua, District Singhbhum and their workmen, which was received by the Central Government on the 13th February, 1969.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD.**

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 48 OF 1968

PARTIES :

Employers in relation to the management of Gua Iron Ores Mines of Messrs. Indian Iron and Steel Company Limited, Post Office, Gua, Distt. Singhbhum.

AND

Their workmen.

PRESENT :

Shri Kamla Sahai, *Presiding Officer.*

APPEARANCES :

For the Employers—None.

For the Workmen—None.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated the 10th February, 1969

AWARE

The Central Government, in the Ministry of Labour, Employment and Rehabilitation has made this reference—*vide* its order No. 37/5/68-LRI dated the 22nd June, 1968—for adjudication of a dispute which has been described in the schedule as follows:—

SCHEDULE

"Whether the termination of service of Shri Hargovindram, Driver with effect from the 1st January, 1968 by the management of Gua Iron Ore Mines of Messrs. Indian Iron and Steel Company Limited, Post Office Gua, District Singhbhum was justified? If not, to what relief is the workmen entitled?"

2. Notices were issued to both parties. After taking an adjournment for filing written statement, the Union called the United Mineral Workers' Union has submitted a letter dated the 16th December, 1968. The Secretary of the Union has stated in this letter that Shri Hargovindram, Driver, has already accepted employment in another concern, that the Union has advised him to continue in that concern and not to fight this case, that Hargovindram has agreed to this suggestion and that the Union has decided, therefore, not to file a written statement in this case or to fight it.

3. Notice was given to both parties to show cause why the case should not be disposed of as prayed for in the Union's letter. No reply has been received from either party. It is, therefore, obvious that the dispute referred to in the reference does not exist any longer. The reference is, therefore, cancelled. Let a copy of this award be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) KAMLA SAHAI,
Presiding Officer.

[No. 37/5/68-L.R.I.]

S.O. 797.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the Gidi 'A' Colliery of National Coal Development Corporation Limited, Post Office Gidi, District Hazaribagh and their workmen, which was received by the Central Government on the 14th February, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
(NO. 2) AT DHANBAD

PRESENT :

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 269 OF 1967

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the Gidi 'A' Colliery of National Coal Development Corporation Limited, Post Office Gidi, District Hazaribagh,

AND

Their workmen.

APPEARANCES :

On behalf of the employers—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen—None.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, 11th February, 1969

22nd Magha, 1890 (Saka)

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Gidi 'A' Colliery of National Coal Development Corporation Limited, Post Office Gidi, District Hazaribagh and their workmen, by its order No. 1/10/67-LRII dated 19th September, 1967 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the scheme annexed thereto. The schedule is extracted below :

SCHEDULE

Whether the action of the employers in relation to Gidi 'A' Colliery of National Coal Development Corporation Limited, Gidi, District Hazaribagh in stopping the increment of Shri J. P. Singh, Lower Division Clerk for a period of one year for the alleged misappropriation of Corporation's money is justified? If not, to what relief is the workman entitled?

Whether the action of the employers in relation to Gidi 'A' Colliery of National Coal Development Corporation Limited, Gidi, District Hazaribagh in stopping the increment and promotion of Shri P. C. Chanda, Mining Sirdar, for a period of one year with effect from the 17th October, 1966, is justified? If not, to what relief is the workman entitled?"

2. Employers filed their statement of demands. In spite of notice the workmen did not file their statement of demands.

3. The reference calls for adjudication if stoppage of increment for a period of one year of Sarvashri J. P. Singh, Lower Division Clerk and P. C. Chanda, Mining Sirdar by the employers was justified. The order of reference is dated 19th September, 1967 and a copy of the same was forwarded to the Secretary, National Coal Organisation Employees Association, Branch Gidi 'A' Colliery, P.O. Gidi, District Hazaribagh, representing the workmen. But the workmen did not choose to submit their statement of demands. Inspite of service of notice for the hearing on 31st December, 1968 the workmen remained absent. They were not present on the adjourned hearing on 6th February, 1969 either. No adjournment application was received on their behalf nor any explanation for their absence. Consequently, the case proceeded in accordance with Rule 22 of the Industrial Disputes (Central) Rules, 1957. The employers filed their statement

of demands justifying the action taken by them against the two affected workmen. They were represented before the Tribunal by Shri S. S. Mukherjee, Advocate. They examined a witness and marked Exts. M1 to M12.

4. The affected workman Shri J. P. Singh was an L.D.C. in Gidi 'A' Colliery of the employers. On 25th August, 1965 he was served with a charge-sheet, Ext. M1 alleging serious misconduct relating to misappropriation of the employer's money. He submitted his explanation, Ext. M2 denying the charge. The employers appointed an Enquiry Committee consisting of Sarvashri S. S. Rastogi and B. P. Srivastava. The enquiry proceedings are Ext. M3 and the enquiry report is Ext. M4. The Enquiry Committee found the affected workman, Shri J. P. Singh guilty of the charge. Thereafter a show cause notice, Ext. M5 was issued to which Shri J. P. Singh submitted his explanation, Ext. M6. Then the office order Ext. M7 was issued stopping the increment of Shri J. P. Singh for a period of one year as the punishment. Against the other affected workman, Shri P. C. Chanda also a charge-sheet Ext. M8 was issued alleging various acts of misconduct. The explanation submitted to the charge-sheet by Shri P. C. Chanda is Ext. M9. He denied the charge. Shri R. N. Bansal conducted the domestic enquiry into the charge. The enquiry proceedings are Ext. M10. The enquiry report, finding Shri P. C. Chanda guilty of the charge is Ext. M11. The office order stopping the increment and promotion of Shri P. C. Chanda for a period of one year is Ext. M12. MW.1 has proved Exts. M1 to M12 and deposed in support of the facts mentioned above. It emerges that the action taken by the employers against the two affected workmen was as a result of domestic enquiries conducted against them and that the enquiries were proper and in accordance with the principles of natural justice. As the workmen did not file their statement of demands, the Tribunal had not opportunity to know even their case. From the failure report accompanying the reference it appears that the workmen had pleaded before the Regional Labour Commissioner during the conciliation proceedings that the punishment awarded to the two affected workmen was capricious, bias and arbitrary. But I did not find any material to support the plea.

5. I, therefore, find that the action of the employers in relation to Gidi 'A' Colliery of National Coal Development Corporation Limited, Gidi, District, Hazaribagh in stopping the increment of Shri J. P. Singh, Lower Division Clerk for a period of one year for the alleged misappropriation of Corporation's money and in stopping the increment and promotion of Shri P. C. Chanda, Mining Sirdar, for a period of one year with effect from 17th October, 1966 was justified and consequently, they are not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal (No. 2)
Dhanbad.

[No. 1/10/67-LRII.]

New Delhi, the 21st February 1969

S.O. 798.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 2) Dhanbad, in the industrial dispute between the employers in relation to the Andhari Mica Mine of Messrs Chitturam Horilram (Private) Limited, Jhumritalaiya and their workmen, which was received by the Central Government on the 18th February, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2)
AT DHANBAD

PRESENT :

Shri Nandagiri Venkata Rao, Presiding Officer

REFERENCE NO. 262 OF 1967

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the Andhari Mica Mine of Messrs Chitturam Horilram (Private) Limited, Jumritalaiya.

AND
Their workmen

APPEARANCES :

On behalf of the employers—None.

On behalf of the workmen—None.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 13th February, 1969

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Andhari Mica Mine of Messrs. Chatturam Horilram (Private) Limited, Jumritalaiya and their workmen, by its order No. F. 20/6/67-LRI, dated 16th September, 1967 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"(1) Whether the management of Messrs. Chatturam Horilram (Private) Limited, Post office, Jumritalaiya, was justified in terminating the services of the following workers of the Andhari Mica Mine at Jorasimer?

(1) Manger Singh, (2) Lalu Singh, (3) Ganesh Singh, (4) Nado Singh, (5) Bandhan Singh, (6) Anup Singh, (7) Jagdish Singh, (8) Sarju Singh, (9) Kedar Singh, (10) Parbat Singh, (11) Darwaka Singh, (12) Gopal Singh, (13) Narayan Singh, (14) Parvat Singh, No. 2, (15) Jamuna Singh, (16) Bandhu Singh, (17) Jabal Singh, (18) Laldhali Singh, (19) Kailu Singh, (20) Narayan Singh No. 2.

(2) If not, to what relief are the said workmen entitled?"

2. The order of reference is dated 16th September, 1967 and shows that copies thereof were forwarded by registered post A/D to the employers and to the General Secretary, Bihar Abrakh Mazdoor Sabha, P.O. Domchanch, District Hazaribagh, representing the workmen. But neither party choose to file their statement of demands. The case was posted for hearing on 25th November, 1968 and notices were issued to the parties. In spite of service of notice no party appeared, but a telegram on behalf of the employers and a letter on behalf of the workmen were received for adjournment. The case was adjourned to 21st December, 1968. On this date also neither of the parties appeared nor sent any communication explaining their absence. As even statements of demands are not filed, I find that the parties have compromised the dispute involved in the reference or they are no more interested in it. Thus, no adjudication of dispute is necessary. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

N. VENKATA RAO, Presiding Officer,
Central Govt. Industrial Tribunal,
(No. 2) Dhanbad.

[No. 20/6/67-LRI.]

S.O. 799.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute beteen the employers in relation to the Central Kujama Colliery of Messrs. Central Kujama Coal Concern, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 17th February, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 14 OF 1968

PARTIES :

Employers in relation to the Central Kujama Colliery of Messrs. Central Kujama Coal Concern, Post Office Jharia, District Dhanbad,

AND

Their workmen

PRESENT :

Shri Kamla Sahai, *Presiding Officer,*

APPEARANCES :

For the Employers—Shri D. A. Jamkar, Manager.

For the Workman—Shri B. N. Sharma, President, Congress Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated the 10th February, 1969

AWARD

The Central Government has, by its order No. 2/6/68-LRII dated the 21st February, 1968, made this reference to this tribunal for adjudication of a dispute which has been described in the schedule as follows :—

SCHEDULE

"Whether the management of the Central Kujama Colliery, Post Office Jharia, District Dhanbad, was justified in stopping from work, Shri Rachchia Ram, Banksman, with effect from the 14th August, 1967 ? If not, to what relief is the workman entitled ?"

2. The parties have compromised the matter. According to the compromise, Shri Rachchia Ram is to receive a sum of Rs. 1000/- (Rupees one thousand) in full and final settlement of his claim. In return, he has agreed not to raise a dispute or press his claim for reinstatement. He has also agreed to vacate the company's quarter before or just at the time when he receives his final payment under paragraph No. 3, according to which the payment has to be made within a month from the date of this award. I accept the compromise and give my award accordingly. The compromise petition will form part of the award.

3. Let a copy of this award be submitted to the Central Government under section 15 of the Industrial Disputes Act.

(Sd.) KAMLA SAHAL,

Presiding Officer,
Central Govt. Industrial Tribunal,
Dhanbad.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD-1.

REFERENCE NO. 14 OF 1968

PARTIES:

1. The employers in relation to Central Kujama Colliery, P.O. Jharia, Distt. Dhanbad.

AND

2. Their workmen represented by Shri B. N. Sharma, President Congress Mazdoor Sangh, Jorapokhar No. 1, P.O. Jealgora, Distt. Dhanbad.

The parties to the above dispute have settled the dispute mutually on the following terms and conditions :—

1. Sri Rachchia Ram, the concerned workman in the dispute will be paid a total of Rs. 1,000/- (Rupees one thousand) towards his full and final settlement.

2. That Sri Rachchia Ram, the concerned workman in the dispute will not press his claim for re-instatement.

3. The payment will be made within a month from the date of Award.

4. Sri Rachchia Ram will vacate company's quarter occupied by him before or just at the time he receives his final payment under Item (3).

Under the circumstances stated above the parties humbly pray that this Hon'ble Tribunal may be graciously pleased to make an award in terms of the above settlement.

Dated, Dhanbad,

The 10th February, 1969.

Sd/- B. N. SHARMA.

For Workmen

President,

Congress Mazdoor Sangh

Sd/- Rachchia Ram.

Sd/- D. A. JAMKAR.

For Employers

Manager,

Central Kujama, Dhanbad.

[No. 2/6/68-LRII.]

New Delhi, the 22nd February 1969

S.O. 809.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Sanctoria Hospital of Messrs Bengal Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 18th February, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 39 OF 1968

PARTIES :

Employers in relation to the management of Sanctoria Hospital of Messrs Bengal Coal Company Limited,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri D. Narsingh, Advocate,

On behalf of Workmen—Shri Giridhar Mukherjee, Deputy President.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/67/68-LR-II, dated August 14, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Sanctoria Hospital of Messrs Bengal Coal Company Limited and their workmen, for adjudication, to this tribunal:—

"Whether the management of the Sanctoria Hospital owned by Messrs Bengal Coal Company Limited, Post Office Dishergarh, District Burdwan, was justified in dismissing Miss Madhuri Mazumdar, female Nurse from service with effect from the 1st of June, 1968. If not, to what relief is she entitled?"

2. A trade union called Sanctoria Hospital Nursing Staff and Employees' Union espoused the cause of the nurse concerned. There was a written statement, full of prolixities, filed on behalf of the union. In paragraph 1 of the written statement, it was stated that the concerned nurse was appointed to work in the capacity of a junior female nurse with effect from June 17, 1957 and was confirmed in the post with effect from December 17, 1957 by the Chief Surgical Officer, Sanctoria Hospital. In paragraph 2 of the written statement, there is a long account given of previous labour disputes between the employees and the company with the apparent object of showing that the employer company was unfair to the workmen. Paragraph 3 of the written statement is the material paragraph, which gives the version of female nurse relating to the circumstances leading to the issue of the chargesheet for misconduct against her. It is said that on May 1, 1968, the nurse, Madhuri Mazumdar, was on duty in the female ward in the first shift in the hospital (6 A.M. to 2 P.M.) along with two other nurses named Teresa Ghughu and Maya Goswami. There was also a Mother Superior on duty in the ward as a supervisor. It is further said that on the previous day a child patient had been admitted in the ward in a dangerously sick condition, suffering from complete dehydration. On the morning of May 1, 1968, after she had taken over the charge from the night nurse, Miss Mazumdar reported to Dr. Roy, an attending physician, when he came to the ward to make his daily round, about the condition of the baby patient. The doctor said, according to her, that there was little to be done now but, nevertheless, advised her to give to the patient a dose of Sequil by injection. That injection was given by another nurse of the name Smt. Maya Goswami. Later on at about 9 A.M., when she went to look after the baby patient, she found that the patient was running high temperature and was having convulsions. She, therefore, administered oxygen to the patient of her own initiative and reported the matter to the Mother Superior. Before inserting the catheter from the cylinder to the nostril of the patient, she examined the flow of oxygen in a kidney dish full of water and found that the flow was alright. Thereafter, she went out to search Dr. Roy, apparently for

the purpose of reporting the condition of the patient, but could not find him. When she returned, she learnt that Dr. Sen along with Dr. Roy had given their round in the ward in the meantime and what the Mother Superior was with them. Thereafter, she states further in paragraph 3 of the written statement:—

"At 11-30 A.M. she watched the child's condition is aggravating so she immediately took the ticket of the patient and went to out door and informed the dangerous condition of the patient and requested Dr. Roy and Dr. Banerjee to come to the female ward and see the patient. They said that 'we are busy with the outdoor cases so you go to some other Dr. and tell him to give 60 c.c. subcut saline.' She further requested to Dr. N. C. Banerjee to go to Dr. Mukherjee tell him about the condition of the patient, in turn he told her to go herself to Dr. Mukherjee and stand in que there. Seeing the rush of private cases in Dr. Mukherjee's (Medical Specialist and C.M.O.) chamber, she came back to the ward. Soon after Dr. N. C. Banerjee came to the ward and asked for the patient's ticket, accordingly she gave the patients ticket, on that he wrote something and took away the ticket. At 12-30 afternoon she gave a nasal feed to the patient (Bed No. extra 19). At about 1-30 P.M. Dr. A. N. Ghosh came and asked her about the readiness of giving subcut saline, which was ready. Dr. A. N. Ghosh gave 60 cc of subcut saline, by that time it was 2 O'clock (2 P.M.) and she handed over the *LIVING CHILD* along with other things of the ward and left the ward after being off duty. When she left the ward the Patient was living."

In paragraph 4 of the written statement she stated that she was surprised to receive a chargesheet on May 4, 1968 to the following effect:—

"On 1st May, 1968 in the first shift you were on duty. The child patient of Bed No. Extra 19 was seriously ill needing oxygen. You administered oxygen to the said child patient. You yourself inserted catheter in the said patients nostril in the morning. But at about 9-45 A.M. it was detected that nasal catheter was put in but no oxygen was coming as it was noticed from the flow meter.

This is very serious neglect of duty on your part.

You are charged under section 27(6) of the Standing orders."

To the chargesheet she gave a reply. I shall deal with the reply later on. Her case in substance, as pleaded in the written statement, was that the flow metre gadget attached to the oxygen cylinder was defective and did not properly indicate the flow of oxygen. Her further case was that she was not given proper opportunity at the enquiry because Dr. G. C. Sen, main witness was not examined and she had no opportunity of cross-examining him. As a result of the enquiry, she was found guilty of the misconduct and was directed to be dismissed. According to the concerned nurse, the dismissal order was not in accordance with the Standing order and not made by the appropriate authority.

3. The employer filed a written statement. In the written statement the charge of unfair labour practice levelled against the company was disputed. In paragraphs 5(k), 'l', (m) and (n) of the written statement, filed by the employer company, it is stated:—

"(k) Smt. Mazumdar had been attending a child patient in the Hospital on 1st May 1968. She was admitted in the hospital in a very serious condition on the previous day, and was allotted Bed No. Extra 19, Smt. Mazumdar inserted the catheter in the patient's nostril sometime about 9 A.M. on 1st May, 1968 as she needed oxygen. She, however, did not care to wait by the patient's bed to see if oxygen was flowing through the catheter and left the bed of the patient. In fact oxygen was not flowing through the catheter as was detected by Dr. G. C. Sen, Superintendent Medical Services, who had come to the ward on his rounds at about 9-45 A.M. when Smt. Mazumdar was not present in that ward. Then the valve of the flowmeter was turned on by the nurse who was then present in the ward and the flow of the oxygen started. The patient, however, died later in the afternoon on that day at about 4-45 P.M.

(l) As it was gross neglect of duty on the part of Smt. Mazumdar to leave the serious patient without caring to see if oxygen was flowing through the catheter, a chargesheet dated the 4th May, 1968 was issued to her after Dr. G. C. Sen had ascertained as to which of the nurses had been so irresponsible and grossly negligent in her duties. She replied to the chargesheet on 6th May, 1968 denying any negligence on her part and stating that

oxygen was flowing when she left the patient's bed and that the flow meter itself was not working properly. She also blamed the Mother Superior for not properly doing her duty of supervising and added that the charge of neglect of duty was made against her only to harass her. It is significant to add that no specific allegation of victimisation for trade union work was made in the said reply.**

- (m) The allegation in para 4 of the union's statement that the flow meter that was used by Smt. Mazumdar on 1st May, 1968 was removed and concealed by the Mother Superior and that it was not inspected when all other flow meters were inspected on the following day is denied, apart from the submission that even on 1st May, 1968 that flow meter was working properly as was demonstrated when the nurse who was present in the ward when Dr. Sen went there had turned on the valve with the result that the flow of oxygen immediately started, the allegation, moreover, is an afterthought besides being false.
- (n) **Smt. Mazumdar had not expressed any desire to cross-examine Dr. G. C. Sen at the enquiry. Moreover, as Dr. Sen had, admittedly, not been examined as a management's witness, there could be no occasion for Smt. Mazumdar to express any desire to cross-examine him."

In paragraph 5(n) (iv) of the written statement, it was also stated that the concerned nurse never demanded that the flow meter in question should be brought for inspection at the enquiry. The other allegations in the written statement, filed on behalf of the workman, were denied and disputed. It is in the background of these pleadings that I proceed to deal with the reference.

4. I have already set out the charge levelled against the nurse concerned. The written explanation to the charge (Ext. A5) was:—

"**All the flow meters of the oxygen, in your hospital are not properly working, and several times this particular discrepancy was reported to Nun Pasquolina who is supervising all the works of the female ward but they were not changed in spite of all these reports. From the morning we were searching for the Doctor but no one could be traced in the hospital. Seeing the condition of the patient I administered the oxygen to the patient and it was flowing all right through the meter which was later tested by inserting the catheter in Kidney-dishful water, but the meter did not indicate its flow due to the above reasons.

On 1st May, 1968 there were 47 cases in the female ward and most of them needed nursing care at their beds, so it was not possible for me to remain all along standing near Bed No. Extra 19 as you know very well about the shortage of staff in your hospital.

Secondly the Supervisor (Nun Pasquolina) probably not employed simply to boss over us but to see the patients also, which she practically does not do. I am fully aware of my duties and the proof of it could be traced during my past more than 12 years service.

The charge of neglecting my duties are nothing but harassing me. I therefore request you to withdraw the chargesheet levelled against me."

5. The enquiring officer B. P. Kabi himself gave evidence in this matter. In this examination in-chief he said:

"There used to be an officer designated as Chief Surgical Officer. That position is, however, now occupied by the Superintendent of Medical Services of the hospital. What I mean to say is that the office of the Chief Surgical Officer was changed into that of Superintendent Medical Services. Mr. G. C. Sen was the Chief Surgical Officer. He is also continuing now as Superintendent, Medical Services."

Now, according to Miss Mazumdar, the nurse charged with misconduct,

"My dismissal was not by the proper authority. I was appointed by Mr. Hughes the General Manager. The order of dismissal was made by Dr. G. C. Sen. The dismissal was not approved by the proper authority. I have not produced my letter of appointment."

Copy of this letter of appointment was not produced before me by the management, as well. In the cross-examination of Miss Mazumdar, the nurse charged with misconduct, there is no suggestion to the effect that she had not been appointed by Mr. Hughes.

the evidence led on behalf of the management there is nothing to prove that she had been appointed by an authority other than the General Manager. I, therefore, accept the version of the nurse concerned that the appointment was by the General Manager. Now, in the absence of anything else in the service rules or in the Standing Order, dismissal must be made by the appointing authority. Here, the letter dated May 30, 1968, from S.M.S. (which stands for Superintendent of Medical Services) to S. Pers (which stands for Superintendent of Personnel), marked Ext. A(1) reads:—

"Chargesheet No. 21076, dated 4th May, 1968, issued against Miss Madhuri Mazumdar, Jr. Trained Nurse.

Reference your above, I have gone through the Enquiring Officer's report and agree with the conclusion that Miss Madhuri Mazumdar is guilty of the charges levelled against her, I recommend that she is dismissed. All the connected papers are returned herewith."

On the aforesaid letter there is an endorsement in green pencil to the following effect "dismiss her". Below the endorsement there is an initial also in green pencil. Witness Anil Krishna Roy, General clerk of the Hospital, examined by the management admitted that the initial was by Mr. Hughes, that is to say by the General Manager. On the basis of letter Ex. A(1), the letter of dismissal (Ext. A) was sent to the nurse concerned under the signature of the Superintendent of Medical service. Thus, there is little substance in the point that the dismissal was not by the proper authority and I over-rule the point.

6. I next take up the objection that the order of dismissal was not in accordance with the provisions of Section 28 of the Standing Orders (Ext. A32). The said section is set out below:

"28. No orders of punishment by way of suspension, dismissal or fine shall be made unless the employees concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him. The approval of the Owner, Agent or Chief Mining Engineer of the Company is required in every case of dismissal and when circumstances appear to warrant it that officer shall institute separate independent enquiries before dealing with the charges against the employee. During the period enquiries are being made on account of alleged misconduct the employees concerned shall be suspended."

It does not appear that the approval of the Owner, Agent or Chief Mining Engineer of the concerned colliery was obtained in the instant case. Objection under this head was pleaded by Sanctaria Hospital Nursing Staff and Employees' Union, in paragraph 7 of the written statement in the following language:

"**This order was also not passed in accordance with Standing Order's Section 28**".

Paragraph 5(p) of the written statement filed by the management was meant to traverse the above quoted portion of the written statement filed by the Nursing Staff and Employees' Union but failed to do so. I quote below the relevant portion of Paragraph 5(p):

"(p) The allegation in para 7 of the union's statement that the order of dismissal was not passed in accordance with the Standing Orders is denied as the dismissal of Smt. Mazumdar was ordered by the General Manager. The General Manager's order was conveyed by the Superintendent Medical Services to Smt. Mazumdar.***"

Thus, I have to hold that the dismissal was passed not in compliance with the provisions of Section 28 of the Standing Orders. Whether such non-compliance was fatal to the order or the penal order may yet be salvaged by obtaining the necessary approval now. I do not propose to decide in this matter, because I find that the order of dismissal has more fundamental infirmities and deserve to be set aside.

7. On the merits of the case, there were the following points urged for my consideration:

- G. C. Sen, the Superintendent Medical Service, the main witness was not examined causing serious prejudice to the nurse concerned.
- The oxygen cylinder and the flow meter attached thereto were not produced for examination. Yet then the flow meter was found to be not defective.
- The charge that no oxygen was coming out of the oxygen cylinder was not established by evidence.

(d) The finding that the flow meter was not defective was based on no evidence whatsoever.

I shall now examine the above points one by one. Dr. G. C. Sen's part in starting the enquiry appears from Ext. A(7) his letter dated May 2, 1968 to the Mother Superior of the Hospital, which I set out below:

"On Wednesday, 1st May, 1968, at above 9.45 a.m. when I was in the female ward with you I noticed a child on oxygen. The nasal catheter was put in but from the flow meter it was very easy to see that no oxygen was coming. The child was seriously ill needing oxygen and this was a very serious neglect. I shall be pleased if you make an early enquiry to find out who could be held responsible for this very negligent work. Please send me your report as early as possible to enable me to take appropriate action."

To this letter the Mother Superior sent a reply dated May 2, 1968. (Ext. A6) to the following effect:

"I beg to state that the Nurse who administered the Oxygen to the serious ill child is Smt. M. Majumdar.

When I questioned her about this she said that as per usual routine she checked the oxygen before inserting the catheter in the baby's nostril and at that time the flow meter was working."

The Mother Superior Pasqualina herself gave evidence and stated in her examination-in-chief:

"At about 9.30 a.m. S. M. S. with Dr. Roy came on round to female ward. I was also present. They saw the baby patient S. M. S. at once pointed out that there was no flow of oxygen as the bobbin was lying at the bottom of the flow meter. He at once drew my attention to that. I also saw that S.M.S. was correct."

After having received the report Ext. A(6), Dr. G. C. Sen, the Medical Superintendent appears to have issued the charge sheet (Ext. 5) and on May 6, 1968 asked the Superintendent of Personnel to start an enquiry through an office letter (Ext. A4) which I set out below:

"Please find enclosed herewith charge-sheet No. 21076 of 4th May, 1968 issued to Miss Madhuri Mazumdar, Jr. Trained Nurse together with her explanation.

Would you please depute an Officer from your department to enquire into the above charge-sheet."

The concerned Nurse admitted before me in her evidence that she had not asked for production of Dr. Sen for cross-examination. Now, on the evidence before me, I find that Dr. Sen was not a witness of the misconduct charged against the concerned nurse. He had merely seen and heard something, which aroused his suspicion against the nurse concerned and directed an enquiry. The nurse concerned also did not want to cross-examine him. The non-examination of Dr. Sen did not effect the enquiry. I, therefore, over-rule this point as well.

8. I now take up for consideration the points concerning the flow of Oxygen and the condition of the flow meter attached to cylinder, argued under three different sub-heads, as hereinbefore indicated. The chargesheet (Ext. A5) hereinbefore quoted shows that the absence of flow of oxygen from the cylinder to the child patient, through the catheter was detected because the flow meter gadget attached to the cylinder did not indicate any flow. The evidence of Dr. R. P. Roy, the Resident Surgeon, was:

"***a little baby who was in Bed Extra 19 (Medical Ward) was having oxygen inhalation and it was given through an oxygen Flowmeter. Superintendent Medical Services noticed that the Flowmeter was not working—the indicator not rotating and the indicator was lying at the bottom of the meter, which he showed to me. Catheter was found in the nostril of the patient. As it was at the bottom no proper oxygen inhalation was given. Oxygen (no proper amount) was flowing which the patient required. S.M.S. immediately asked me and the Mother, who was along with us whether oxygen was flowing. Another Nurse Terasa, who was with us, immediately turned the key valve and the bobbin raised up and oxygen started flowing. I did not personally check the valve."

Nurse Terasa named by Dr. Roy also gave evidence before the enquiring officer in Bengali language. Hereinbelow I quote an English translation of an extract from her evidence :

"I have noticed for a long time that the particular flow meter was defective and was also defective on that particular day. At about 9.30 when Mother and myself were near the child patient, Dr. Roy and Dr. Sen came there. Dr. Sen said that oxygen was not passing. Then opened the valve and the flow meter began to work for some time.*** In the presence of Dr. Roy and Dr. Sen, Mother tested the cylinder in kidney plate and found that oxygen was flowing. We have many a times complained to the Mother about the flow meter but she did not take any step."

Several other nurses deposed in favour of the Nurse charged with misconduct. A female nurse called Bandita Ghose also deposed in Bengali and hereinbelow I set out an English translation of the relevant extract :

"But I know that the flow meter which was given to the child became defective from about a month ago. That flow meter was not in the female ward before that time. I complained about this many a times to the Mother but she did nothing."

Another nurse of the name of Eva Emmanuel also deposed in Bengali before the enquiring officer and hereinbelow I set out an English translation of the relevant extract :

"After I came to duty I tested the cylinder applied to the child patient. Oxygen was flowing alright but the meter was defective. When the valve was opened the meter raised the indicator but 5 minutes thereafter was again going wrong."

The Mother Superior, Pascqualina also gave evidence. She said :

"***there was no flow of oxygen as the bobbin was lying at the bottom of the flowmeter. He at once drew my attention to that. I also saw that S.M.S. was correct. Miss Terasa Nurse was there at that time and she turned open the valve and the flow was indicated in that indicator."

Cross-examined by Miss Mazumdar, the concerned nurse, she stated, 'I have no knowledge that the flowmeter became defective sometimes and nobody reported to me about this.'

9. The definite case of the concerned nurse, in her explanation and her evidence, was that she had tested the oxygen cylinder manually, found the flow of oxygen all-right and then applied the catheter to the nostril of the child patient. It was also her definite case that the flow meter was defective. The enquiring officer relied on the evidence of the mother Superior and Dr. K. P. Roy and found that the flowmeter of the oxygen apparatus was not defective. He found that the evidence of other nurses was not reliable because according to him -

"It can well be presumed that all the female Nurses and some male nurses conspired together to help their colleague by foul means."

10. Now, in this reference I am not sitting as an Appellate Court. Whatever may be my view on an examination of the evidence personally by myself I cannot substitute that view in place of the view of the enquiring officer if it be based on some evidence. Therefore, I am unable to find fault with the enquiring officer if he does not elect to rely on the evidence of the other nurses who deposed before him, about the defectiveness of the flowmeter gadget attached to the oxygen cylinder. It is, however, open to me to examine whether there was anything contained in the evidence of the Mother Superior Pasqualina and Dr. Roy which will support the view of the enquiring officer that the flow was not defective, because it was on the evidence of those two witnesses that his finding was based. I have already quoted the relevant portion of the evidence of both Dr. Ray and Mother Pasqualina. It is not their evidence that the oxygen cylinder was not full of gas. Their definite evidence is that oxygen was not flowing to the child patient through the catheter, because the flow meter did not indicate the flow. Dr. K. P. Roy's evidence further is not that no oxygen was flowing from the cylinder to the patient, as was mentioned in the chargesheet, but merely that "no proper oxygen inhalation was given to the patient" or that "oxygen (no proper amount) was flowing which the patient required". About the flow meter all that Dr. Roy noticed was that after nurse Terasa had operated the valve the bobbin began to move up. So also was the evidence of Mother Pasqualina. Whether after having moved for a few minutes the bobbin or the indicator went down to the bottom, nobody noticed. Mother Pasqualina frankly confessed that she had no knowledge that the flow meter became defective after

sometime. On this state of evidence, I find that the categoric finding of the enquiring officer that the flow meter of that oxygen apparatus was not defective was based on no evidence whatsoever, alternatively was perverse regard being had to the nature of the evidence before him. The position was made worse because the oxygen flow meter attached to the oxygen cylinder was not produced for examination before the enquiring officer, or for the matter of that before anybody after receipt of the explanation by the nurse concerned. I am of the opinion that the flow meter might not have indicated flow of oxygen but that did not by itself establish the charge that no oxygen was flowing from the cylinder to the patient, if the flow meter was itself defective. There was little evidence before the enquiring officer that the flow meter was not defective. Dr. Roy also used very guarded language and did not say that no oxygen was flowing but merely said that no proper amount of oxygen was flowing. This was his view even though the indicator indicated nil.

11. For a nurse in charge of a helpless child patient, who badly required oxygen, to apply the oxygen catheter without ascertaining whether the oxygen was at all flowing is certainly very bad and an example of most condemnable form of neglect of duty. Such extreme exhibition of neglect certainly calls for extreme penalty. A nurse of this type should not only be dismissed from service but should not in future be employed in any other hospital, because her negligence may be potentially dangerous to the life of so many helpless patients. But before a nurse is characterised as such and penalised for this form of neglect, there must be proper evidence in support of the charge. A finding of this extreme form of neglect of duty must not be off hand arrived at. Since I am of the opinion that the enquiring officer arrived at his finding about the misconduct of the concerned nurse in a very off hand, supercilious and perverse manner without support of evidence, I cannot support his findings in this respect. I, therefore, hold that the charge against the nurse concerned was not proved.

12. Before I close, I need to deal with another point which was argued on behalf of the concerned nurse. It was contended that clause (6) of Sec. 27 of the Standing order made habitual negligence only punishable. The charge against the nurse concerned was not of habitual negligence of duty but of a single negligence of duty. This argument over looks the last portion of clause (6) of Section 27, which is 'neglect of work'. In my opinion, the concerned nurse was charged not with habitual negligence but with neglect of work. I therefore make little of this argument.

13. In the view taken by me, I hold that the management of the Sanctoria Hospital was not justified in dismissing Miss Madhuri Mazumdar, female Nurse from service with effect from 1st of June, 1968. She is, therefore, entitled to reinstatement. There being no evidence that she was unemployed since the time of her forced unemployment. I make no order as to back wages.

This is my award,

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, February, 1969.

[No. 6/67/68-LR-II.]

New Delhi, the 24th February 1969

S.O. 801.--In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the Bhowra Colliery, Post Office Bhowrah, District Dhanbad and their workmen, which was received by the Central Government on the 18th February, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD

PRESENT :

Shri Nandagiri Venkata Rao, Presiding Officer.

REFRENCE No. 256 OF 1967

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the Bhowra Colliery, Post Office Bhowrah, District Dhanbad
AND
Their workmen.

APPEARANCES:

On behalf of the employers—Shri B. M. Lall, Personnel Officer.

On behalf of the workmen—Shri Shankar Bose, Secretary, Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, 12th February, 1969/23rd Magha, 1890 Saka

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery, Post Office Bhowrah, District Dhanbad and their workmen, by its Order No. 2/171/66-LR-II, dated 2nd September, 1967 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:

SCHEDULE

"Whether the management of Bhowra Colliery, Post Office Bhowrah, District Dhanbad was justified in terminating the lien of Shri Kangloo Jeswara on the post of pick Miner, 3A Incline and placing his name on Badli list with effect from the 30th June, 1966? If not, to what relief is the workman entitled?"

2. Workmen as well as the employers filed their statement of demands.

3. The workmen were represented by Shri Shankar Bose, Secretary, Colliery Mazdoor Sangh and the employers by Shri B. N. Lall, Personnel Officer. On 6th December, 1968 parties filed a compromise memo stating that the dispute involved in the reference was settled in terms of the compromise. The compromise memo was duly verified. The award is made in terms of the compromise and the compromise memo is made part of the award. The award is submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal (No. 2),
Dhanbad.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
DHANBAD**

IN THE MATTER OF REFERENCE NO. 256 OF 1967

PARTIES :

Employers in relation to Bhowra Colliery of M/s. Bhowra Kankanee Collieries Ltd., P.O. Bhowra, District Dhanbad,

AND

Their workmen represented by the Colliery Mazdoor Sangh. Joint Application on behalf of the parties for compromise.

The parties above named beg to submit as under:—

That the Government of India, Ministry of Labour and Employment *vide* their letter No. 2/171/66-LR-II, dated 2nd September, 1967 referred the following dispute to this Honourable Tribunal for adjudication.

That the parties have compromised the dispute on the following terms:—

- (a) Sri Kangloo Jeswara will be absorbed as miner Bhowra Colliery North, and his continuity of service will be treated as leave without pay.
- (b) His period of idleness from 30th June, 1966 till to day will be treated as leave without pay.
- (c) That the parties would bear their own costs.
- (d) That the above mentioned terms of settlement may kindly be held as reasonable and justified and Award passed accordingly.

And for that act of kindness your petitioners as in duty bound, shall ever pray.

For Workman :

For Colliery Mazdoor Sangh,
(Sd.) Illegible,
Vice-President.

For Employers :
(Sd.) Illegible,
Agent,

Bhowra Kankanee Collieries Ltd.,
Bhowra North Colliery, P.O.
Bhowra, Dhanbad.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal (No. 2),
Dhanbad.

Dated 29th November, 1968.

[No. 2/171/66-LRII.]

S.O. 802.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of the Baragolai Colliery of Messrs. Assam Railways and Trading Company Limited and their workmen, which was received by the Central Government on the 20th February, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 12 OF 1968

PARTIES :

Employers in relation to the Baragolai Colliery of Messrs. Assam Railways and Trading Company Limited,

AND

Their workmen.

PRESENT :

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri J. K. Ghosh, Advocate.

On behalf of Workmen—Shri K. C. Mazumdar, Office Secretary, Indian National Mine Workers' Federation.

STATE : West Bengal.

INDUSTRY : Coal Mines.

AWARD

By Order No. 6/8/68-LRII, dated March 4, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred, to this tribunal, for adjudication, the following dispute:—

"Whether the management of Baragolai Colliery of Assam Railways and Trading Company Limited, Post Office Margherita, Assam is justified in not placing Sarvashri Dhaneswar Chetia and Ranjit Sen in the monthly scale of clerical grade III? If not, to what relief are the workmen entitled?"

2. The Assam Colliery Mazdoor Congress withdraws objection to the appearance of a lawyer on behalf of the management, previously taken. I, therefore, permit Mr. J. K. Ghosh, Advocate, to appear on behalf of the management.

3. Both the employer and the Mazdoor Congress representing the employees have filed a joint petition of settlement compromising the dispute referred to this tribunal. There has been a prayer made before me for an award in terms of the petition of settlement.

4. Now that the dispute has been settled on terms appearing in the memorandum of settlement, filed before this Tribunal, I pass an award in terms thereof. Let the memorandum of settlement form part of this award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, February —————, 1969.

Copy

MEMORANDUM OF SETTLEMENT*Dated, the 6th February 1969***PARTIES:***Representing Management :*

- (1) Shri A. Rahman,
Chief Personnel Officer,
The Assam Railways and Trading Co. Ltd.,
Margherita.
- (2) Shri D. H. Goswami,
Divisional Personnel Officer (Collieries),
The Assam Railways and Trading Co. Ltd.,
Margherita.

Representing Workmen :

- (1) Shri Bhadreswar Konger,
General Secretary,
Assam Colliery Mazdoor Congress,
Baragolai P.O., (Assam).

The above parties have mutually agreed to settle the dispute of Shri Ranjit Sen and Shri Dhaneswar Chetia both of Baragolai Colliery sponsored by the Assam Colliery Mazdoor Congress, Baragolai, and the terms of settlement read as follows :—

- (1) That Shri Ranjit Sen and Shri Dhaneswar Chetia will be put on monthly status in the scale of Rs. 45—5—80—EB—6—104 per month (Colliery) with the starting salary of Rs. 60.00 each per month.
- (2) That on the basis of above, the parties would move the Central Government Industrial Tribunal, Calcutta, for adjudication of Reference No. 12 now awaiting further disposal.
- (3) That pending final orders of the Central Government Industrial Tribunal, Calcutta, the incumbents will be placed on monthly status with effect from the month of February 1969.
- (4) That *vide* settlement agreed to as above, the Union and for that matter Shri Sen and Shri Chetia have no further claim to make against the Management for the issue referred to the Central Government Industrial Tribunal, Calcutta, for adjudication.

In witness whereof, the Parties sign this agreement on this 6th day of February 1969 at Margherita.

Representing Management :

(Sd.) A. RAHMAN,
Chief Personnel Officer,
The Assam Railways & Trading Co. Ltd.
(Sd.) D. H. GOSWAMI,
Divisional Personnel Officer (Collieries),
The Assam Railways & Trading Co. Ltd.

Representing Workmen :

(Sd.) B. KONGER,
General Secretary,
Assam Colliery Mazdoor Congress,
Baragolai.

[No. 6/8/68-LRII.]

S.O. 803.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the Angarpathera Colliery of East Angarpathera Colliery Company (Private) Limited, Post Office Katrasgarh (Dhanbad) and their workmen, which was received by the Central Government on the 18th February, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 236 OF 1967

In the matter of an industrial dispute under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Angarpathera Colliery of East Angarpathera Colliery Company (P) Limited, Post office Katrasgarh (Dhanbad).

AND
Their workmen

APPEARANCES :

On behalf of the employers: Shri S. B. Katiyar, Welfare Officer.

On behalf of the workmen: Shri H. N. Singh, Vice President, Koyala Mazdoor Panchayat.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, 15th February, 1969.
26th Magha, 1890 Saka

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Angarpathera Colliery of East Angarpathera Colliery Company (P) Limited, Post office Katrasgarh (Dhanbad), and their workmen, by its order No. 2/66/67-LRII, dated 24th June, 1967 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"(i) Whether the dismissal of Shri Anwar Khan, Miner, with effect from 28th January, 1967, by the management of Angarpathera Colliery of Messrs East Angarpathera Colliery Company (P) Limited, Post Office Katrasgarh (Dhanbad) was justified?

(ii) If not, to what relief is the workman entitled?"

2. Workmen as well as the employers filed their statements of demands.

3. The workmen were represented by Shri H. N. Singh, Vice President, Koyala Mazdoor Panchayat and the employers by Shri S. B. Katiyar, Welfare Officer. On 20th January, 1969 parties filed a compromise memo stating that the dispute involved in the reference was settled in terms of the compromise. The compromise memo was duly verified. The award is made in terms of the compromise and the compromise memo is made part of the award. The award is submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal
(No. 2), Dhanbad.

MEMORANDUM OF SETTLEMENT

Representing the Management.

Shri Gopal Krishna,
Manager,
Angarpathera Colliery, P.O. Katrasgarh
Distt. Dhanbad.

Representing the Workmen

Shri H. N. Singh,
Vice President
Koyala Mazdoor Panchayat,
P.O. Katrasgarh,
Distt. Dhanbad.

Short Recital of Case

A dispute had arisen between the management and the workmen of Angarpathera Colliery in respect of the dismissal of Shri Anwar Khan. The same not having been settled

before the Assistant Labour Commissioner (Central), Dhanbad, the matter was reported to the Ministry of Labour and Employment, New Delhi and the same was referred by the said Ministry for adjudication before the Presiding Officer, Central Government Industrial Tribunal No. 2, being reference No. 236 of 1967. The dispute has been heard by the Hon'ble Presiding Officer and the Award is reserved. Meanwhile the Parties have discussed the matter with a view to maintain harmonious relations between the Employer and the Employees an amicable settlement has been arrived at under following terms and conditions:—

- (i) That Shri Anwar Khan would be deemed to have left his service with effect from 28th January, 1967.
- (2) That to make his full and final payments he will be paid a lump sum amount of Rs. 800 (Rupees eight hundred) only inclusive of all his dues whatsoever.
- (3) That the terms of this settlement shall be implemented with in one month of the date of this Award.

It is, therefore, requested that the Hon'ble Tribunal be pleased to pass an order in terms of the Award for which the parties shall ever pray.

For workmen

(Sd.) Illegible

For employers

(Sd.) Illegible

Manager, The Angarpathera Colliery (P) Ltd. P.O. Katrasgarh, (Dhanbad).

Dated 18th January, 1969.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal, Dhanbad.
[No. 2/66/67-LRII.]

S.O. 804.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the Industrial Dispute between the employers in relation to the Kankaneey Colliery of Messrs Bhowra Kankaneey Collieries Limited, Post Office Bansjora, District Dhanbad and their workmen, which was received by the Central Government on the 18th February, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 3 OF 1967

In the matter of an industrial dispute under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Kankaneey Colliery of Messrs Bhowra Kankaneey Collieries Limited, Post Office Bansjora, District Dhanbad

AND

Their workmen.

APPEARANCES :

On behalf of the employers: Shri K. C. Nandkeolyar, Dy. Chief Personnel Officer.

On behalf of the workmen: Shri Prasanta Burman, Secretary, Khan Mazdoor Congress.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, 14th February, 1969

25th Magha, 1890 Saka.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Kankaneey Colliery of Messrs Bhowra Kankaneey Collieries Limited, Post office Bansjora, District Dhanbad and their workmen, by its order No. 2/154/66-LRII dated 20th April, 1967 referred to this Tribunal under Section 10(1)(d)

of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

"Whether the management of Kankanee Colliery, Post Office Bansjora, District Dhanbad of Messrs Bhowra Kankanee Collieries Limited, of which Messrs Karamchand Thaper & Brothers (Private) Limited, are the Managing Agents was justified in refusing to treat Srimati Ganeshi Debi as full time Mid-wife? If not, to what relief is she entitled and from which date?"

2. Workmen as well as the employers filed their statements of demands.
3. The workmen were represented by Shri Prasanta Burman, Secretary, Khan Mazdoor Congress and the employers by Shri K. C. Nandkeolyar, Dy. Chief Personnel Officer. On 23rd January, 1969 parties filed a compromise memo stating that the dispute involved in the reference was settled in terms of the compromise. The compromise memo was duly verified. The award is made in terms of the compromise and the compromise memo is made part of the award. The award is submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal,
(No. 2), Dhanbad,

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

IN THE MATTER OF REFERENCE NO. 3 OF 1967

Employers in relation to the Kankanee Colliery of M/s. Bhowra Kankanee Collieries Limited, P.O. Bansjora, District Dhanbad.

AND

Their workmen, represented by the union known as Khan Mazdoor Congress, P.O., Jharia, District Dhanbad.

Joint petition for compromise.

The parties above named beg to submit as under:—

- (1) That the following dispute has been referred to this Tribunal for adjudication:—"Whether the management of Kankanee Colliery, Post office Bansjora, District Dhanbad of Messrs Bhowra Kankanee Collieries Limited, of which Messrs Karam Chand Thaper & Brothers (Private) Limited, are the Managing Agents was justified in refusing to treat Srimati Ganeshi Debi as full time Mid-wife? If not, to what relief is she entitled and from which date?"
- (2) That the parties abovenamed have compromised the case on the following terms:—
 - (a) That Smt. Ganeshi Devi will be treated as a whole time Mid-wife with effect from 1st January, 1969 in the grade and scale of Rs. 140—3—170—4—178, along with the all other benefits as to other employees.
 - (b) That she will continue to work as at present in Kankanee colliery or any other colliery under the management and control of M/s. Karam Chand Thapar & Brothers (P) Ltd. and will be guided by the service rules of M/s. K. C. Thaper, as applicable to other employees of the colliery.
 - (c) That there will be no claim by the workmen for the period prior to 1st January, 1969.
 - (d) That the parties would bear their own costs.

It is therefore prayed that the above terms of settlement may please be accepted and Award given accordingly.

(Sd.) PRASANTA BURMAN,
Secretary, Khan Mazdoor Congress,
for workmen.

(Sd.) K. C. NANDKEOLYAR,
Dy. Chief Personnel Officer,

M/s. Karam Chand Thapar & Bros. (Pvt.) Ltd.

For employers.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal (No. 24), Dhanbad.

Ganeshi Devi, workman concerned.
Dated: 23rd January, 1969.

S.G. 805.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the matter of a complaint under Section 33A of the said Act from General Secretary, National Coal Organisation Employees Association, Ranchi on behalf of the workmen, which was received by the Central Government on the 7th February, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

COMPLAINT NO. 6 OF 1968

(Arising out of Reference No. 244 of 1967)

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947.

PARTIES

The workmen of the National Coal Development Corporation Limited represented by the National Coal Organisation Employees' Association having its registered office at Darbhanga House, Ranchi—*Complainants.*

Vs.

1. The employers in relation to the National Coal Development Corporation Limited, having its registered office at Darbhanga House, Ranchi, through its Managing Director.

2. Shri Y. Krishan, Financial Controller, N.C.D.C. Ltd., Ranchi.

3. Shri S. K. Verma, Chief of Administration, N.C.D.C. Ltd., Ranchi.

4. Shri Kalidas Bhattacharjee, Personnel Officer, N.C.D.C. Ltd., Ranchi.

APPEARANCES:

On behalf of the complainants:—Shri Ranen Roy, Advocate—*Opposite Parties.*

On behalf of the Opp. Parties:—Shri S. S. Mukherjee, Executive Committee Member, Indian Colliery Owners Association.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 3rd February, 1969

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act, 1947 by the workmen of the National Coal Development Corporation Limited, Ranchi (hereinafter referred to as the Corporation) represented by the General Secretary, National Coal Organisation Employees' Association, stating that pending Reference No. 244 of 1967 on the file of this Tribunal the opposite parties by an order dated 5/6th March, 1968 arbitrarily and illegally reduced the rate of Provident Fund Contribution from 8 1/3 per cent of salary/Dearness pay and wages to 8 per cent and thus violated section 33 of the Industrial Disputes Act, 1947 by altering to the prejudice of the complainants the condition of service. The opposite parties filed their written statement, pleading that they have introduced the Gratuity Scheme of the Government of India and in terms of the scheme reduced the Provident Fund Contribution of 8 1/3 per cent to 8 per cent, that the management approved the introduction of the scheme by the resolution of the Board of Directors dated 6th May, 1967, which was earlier than the date of Reference in Reference No. 244 of 1967, that, as such the alteration complained of does not fall within the mischief of Section 33 of the Industrial Disputes Act, 1947, that the alteration did not cause any monetary loss to the employees concerned and that the complaint was liable to be dismissed with costs. The opposite parties also pleaded that the complaint was misconceived and not legally maintainable. The complainants were represented by Shri Ranen Roy, Advocate and the opposite parties by Shri S. S. Mukherjee, Executive Committee Member, Indian Colliery Owners Association. The complainants examined a witness and marked Exts. W1 and W2. No witness was examined on behalf of the opposite parties but Exts. M1 to M10 were marked for them on admission by the complainants.

2. The opposite parties had at the outset taken a plea that the complaint was not legally maintainable, though they did not state any reason for the objection. Shri S. S. Mukherjee, the learned representative of the opposite parties contended that the complaint under Section 33A of the Industrial Disputes Act, 1947 could be filed only by the employees aggrieved by the alleged contravention and not by any labour union. But the Labour Appellate Tribunal has pointed out in Steel Brother and Co. Ltd. Vs. their workmen (1954-1-L.L.J. 314) that when authorised by the workmen concerned to file a complaint on their behalf the union could present the complaint. W.W. I, Shri Abraham Matnews, the General Secretary of the National Coal Organisation Employees Association, who has filed the complaint under consideration on behalf of the workmen affected by the alleged alteration of the condition of service, has in his evidence that he has filed the complaint on behalf of the workmen who are members of his association. He is also one of the aggrieved workmen. He has proved the authorisation letter of the workmen addressed to him and it is Ext. W. 2. The letter says that the management by their letter dated 5/6th March, 1968 reduced the rate of contribution to the fund unilaterally, that the change caused serious prejudice to the undersigned and other employees and that the General Secretary of the association should take all steps in accordance with the constitution of the association and under the Industrial Disputes Act, as reference was pending before the Industrial Tribunal, Dhanbad. The letter also shows that the President of the association directed the General Secretary to take legal advice and to file complaint. This advice is dated 12th June, 1968 and the complaint filed before this Tribunal is dated 1st July, 1968. The witness also produced the constitution of the association and it is Ext. W. 1. As per Ext. W. 1, to ventilate the problems and secure redress of the grievances of the members and the settlement of the differences and disputes by democratic, peaceful and constitutional means and to watch, promote, safeguard, protect and further the rights, interests and privileges of the members in social, cultural, economic and all other matters relating to their employment and to secure to them fair conditions of life and work are included in the aims and objects of the association. There is absolutely no rebuttal to this evidence. Hence, I do not see any substance in the objection. The objection is overruled.

3. Now it is to be seen how far the allegation that the opposite parties have violated the provision of Section 33 of the Industrial Disputes Act, 1947 is correct. Under clause (a) of sub-section (i) of Section 33, during the pendency of any proceeding before a Tribunal in respect of an industrial dispute, no employer is permitted to alter to the prejudice of the workmen concerned in such dispute any condition of service in regard to any matter connected with the dispute applicable to them immediately before commencement of such proceeding, except with the express permission in writing of the Tribunal. Ext. M. 2 is the order of the Government of India referring the dispute in respect of the matters specified in the schedule between the opposite party No. 1 and their workmen. Item 12 of the schedule relates to the demand of the workmen that the recommendations of the 2nd Pay Commission should be implemented forthwith. The order of reference is dated 19th July, 1967. In the written statement the opposite parties did not deny that the question of Provident Fund Contribution was included in the Reference. Their only contention was that they had approved the introduction of the gratuity scheme reducing the rate of Provident Fund Contribution on 6th May, 1967, much earlier than the date of reference and as such the alteration complained of was not made during pendency of the reference. The Corporation Rules of the Corporation are Ext. M. 7. They include in them the rules relating to the Staff Provident Fund. According to the definition in the Rules "Member" means and includes any employee in the service of the Corporation (except trainees and apprentices under any scheme and casual daily rated employees). Under Rule 15(a) each member shall contribute to the Fund every month a sum equal to 8 1/3 per cent of his salary or wages and dearness pay and as per rule 17 the Corporation shall every month pay to the Trustees in respect of each member as a contribution to the Fund a sum equal to the total of each member's contribution under Rule 15 hereof which shall be credited to the member's individual account in the books of the Fund not later than the 15th day of the month following that in which a member's contribution is deducted from his salary or wages. These rules are in force since a long time before the Corporation was taken over and converted into a public sector undertaking. With a view to introducing uniformity in the retirement benefits to employees of public sector undertakings the Government of India Ministry of Finance (Department of Expenditure), New Delhi in their O. M. No. F. 1(3)-PC/65 dated 29th April, 1965, Ext. M 6 drew up a Gratuity Scheme for the public sector undertakings. The Government of India, however, deferred their decision regarding recommendations of the Coal Wage Board on gratuity. The Board of Directors of the Corporation in their meetings held on 6th May, 1967 and 2nd December, 1967 approved the introduction of the Gratuity Scheme, thereby reducing the rate of Provident Fund Contribution from 8 1/3 per cent to 8 per cent. On 5/6th March, 1968 the Deputy Chief (Administration) of the Corporation issued the office memorandum, Ext. M5 giving effect to this scheme retrospectively from 1st April, 1967. These facts are not controverted. It can be seen that till the office memorandum, Ext. M5

was issued on 5/6th March, 1968, the workmen did not come into the picture and the action taken by the opposite parties in introducing the Gratuity Scheme and thereby reducing the contribution to the Provident Fund from 8 1/3 per cent to 8 per cent was unilateral and the workmen came to know of it only after 5/6th March 1968. W.W. I has also deposed that the workmen did not get any notice from the management in respect of the introduction of the Gratuity Scheme, that he came to know of it when his salary for the month of April 1968 was received by him on 1st May, 1968 and that by chance he happened to see the circular in that respect sometime in May, 1968. This evidence is not rebutted. In spite of the O.M., Ext. M5 stating that the scheme would come into effect retrospectively from 1st April, 1967 the alteration in the matter of contribution to the Provident Fund is effected only after 5/6th March, 1968 while the Reference No. 244 of 1967 dated 19th July, 1967 was pending adjudication before this Tribunal.

4. It may be true that since a long time the workmen of the Corporation were demanding introduction of Gratuity Scheme, but there is no material to show that at any time they had consented for reduction of the Provident Fund Contribution from 8 1/3 per cent to 8 per cent. There is not even a pleading from the opposite parties to this effect. Asking for introduction of a gratuity scheme does not necessarily mean, even by implication that the workmen had consented for reduction in the contribution of the Provident Fund. The scheme is applicable compulsorily to all monthly paid employees, barring a few categories. They have no option to elect to be governed by the Provident Fund Rules entitling them to contribution of 8 1/3 per cent. Under the Scheme gratuity is not admissible to an employee who resigns from service or whose services are terminated for misconduct, insolvency or inefficiency. Gratuity is available only in cases of discharge or abolition of post, permanent incapacity due to bodily or mental infirmity, superannuation and retirement after 30 year's qualifying service. It means that an employee retiring voluntarily after 29 years of qualifying service does not get any gratuity, while under the Provident Fund Rules he will be entitled to his full contribution of the Provident Fund with interest. In this view I find that reduction of the Provident Fund Contribution from 8 1/3 per cent to 8 per cent is an alteration in the service condition of the workmen and it is to their prejudice. Consequently, the office memorandum dated 5/6th March, 1968 reducing the rate of contribution to the Provident Fund from 8 1/3 per cent to 8 per cent cannot be upheld.

5. The complaint is, therefore, allowed and it is held that the office memorandum issued by the Corporation on 5/6th March, 1968 reducing the contribution to the Provident Fund from 8 1/3 per cent to 8 per cent is in violation of Section 33 of the Industrial Disputes Act, 1947 and as such illegal and that the workmen are entitled to continue to contribute to the Provident Fund in accordance with Rule 15(a) and the Corporation is liable to pay the contribution as per Rule 17 of the Staff Provident Fund Rules contained in the Corporation Rules. Considering circumstances of the case no order is passed as to costs.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Government Industrial Tribunal (No. 2) at Dhanbad.
[No. 2/130/65-LR-II-(i).]

S.O. 806.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the matter of a complaint under Section 33A of the said Act from General Secretary, National Coal Organisation Employees Association, Ranchi on behalf of the Workmen, which was received by the Central Government on the 12th February, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

COMPLAINT NO. 7 OF 1968

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947.

PARTIES :

The workmen represented by the National Coal Organisation Employees Association, with its registered office at Darbhanga House, Ranchi.—*Complainants.*

Versus

1. The employer in relation to the National Coal Development Corporation Ltd., with its registered office at Darbhanga House, Ranchi through its Managing Director.
2. Shri Y. Krishan, Financial Controller, N.C.D.C. Ltd., Ranchi.
3. Shri T. N. Basu, Dy. Chief of Geology and Drilling, N.C.D.C. Ltd., Ranchi.
4. Shri J. N. Choudhury, Administrative Officer, Division of Geology and Drilling, N.C.D.C., Ltd., Ranchi.—*Opposite Parties.*

APPEARANCES:

On behalf of the complainants: Shri Ranen Roy, Advocate.

On behalf of the Opposite Parties: Shri S. S. Mukherjee, Executive Committee Member, Indian Colliery Owners Association.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, 5th February, 1969

16th Magha, 1890 Saka

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act, 1947 by the driller-workmen of the National Coal Development Corporation Ltd., Ranchi, (hereinafter referred to as the Corporation) represented by the General Secretary, National Coal Organisation Employees Association, stating that pending Reference No. 244 of 1967 on the file of this Tribunal the opposite parties by an order dated 4th April, 1968 arbitrarily and illegally declared the drillers as "self drawing officers" with effect from 1st April, 1968 and thus, violates section 33 of the Industrial Disputes Act, 1947 by altering to the prejudice of the complainants the condition of service. The opposite parties filed their written statement, pleading that they have declared the drillers as "self drawing officers" merely for the sake of convenience of the administration and that they had not committed any violation of Section 33 of the Industrial Disputes Act, 1947. They have also taken a legal objection regarding maintainability of the complaint. The complainants were represented by Shri Ranen Roy, Advocate and the opposite parties by Shri S. S. Mukherjee, Executive Committee Member, Indian Colliery Owners Association. The complainants examined a witness and marked Ext. W.1. On admission by the complainants Exts. M1 and M2 were marked for the opposite parties. The opposite parties examined 2 witnesses.

2. Shri S. S. Mukherjee, the learned representative of the opposite parties contended that the complaint is not filed by the aggrieved workmen but by a union of the workmen and as such it is not in accordance with the provision of Section 33A of the Industrial Disputes Act, 1947. But the Labour Appellate Tribunal has pointed out in Steel Brother & Co. Ltd., Vs. their workmen (1954-1-L.J. 314) that when authorised by the workmen concerned to file a complaint on their behalf the union could present the complaint. WW. 1, Shri Abraham Mathews, the General Secretary of the National Coal Organisation Employees' Association, who has filed the complaint under consideration on behalf of the drillers affected by the alleged alteration of the condition of service, has in his evidence that he has filed the complaint on behalf of and at the request of the drillers who were affected by the order of the opposite parties dated 4th April, 1968. He has proved the authorisation letter addressed to him and it is Ext. W.1. It is true that the authorisation letter, Ext. W.1 is signed only by 3 drillers while there appeared to be 44 drillers working in the Corporation. WW.1 has also deposed that all the drillers, except one or two are members of his association. Nothing is elicited to show that the drillers signing the authorisation letter, Ext. W.1 were not members of the association. It is not controverted that to the extent of the 3 drillers signing the authorisation letter, Ext. W.1 the complaint is maintainable and the award made on the complaint will be applicable to all the drillers equally. I consider the objection mere technical and without any substance. The objection is over ruled.

3. Now it is to be seen how far the allegation that the opposite parties have violated the provision of Section 33 of the Industrial Disputes Act, 1947 is correct. Under clause (a) of sub-section (i) of Section 33 during the pendency of any proceeding before a Tribunal in respect of an industrial dispute, no employer is permitted to alter to the prejudice of the workmen concerned in such dispute any condition of service in regard to any matter connected with the dispute applicable to them immediately before commencement of such proceeding, except with the express permission in writing of the Tribunal. Ext. M1 is

the office order passed by the Administrative Officer (DG) of the Corporation dated 4/6th April, 1968, stating that the Managing Director with the concurrence of finance was pleased to declare the drillers in the scale of Rs. 350—900 as "self drawing officers" only in respect of their own salaries with immediate effect (1st April, 1968). The objection of the complainants to the office order is two-fold, viz., that it prevented the drillers from enjoying the trade union rights which they were enjoying hitherto and that the Corporation had not declared any personnel as "self drawing officers" who were in the scale of Rs. 350—900 and self drawing officers in the Corporation were only those who were entitled to a scale of Rs. 400—900 with higher fixation at Rs. 510 per month. Except the oral testimony of WW.1 that by the office order, Ext. M1 the drillers were deprived of their trade union rights, lieu leave, overtime allowance and benefits under the Coal Wage Board recommendations, of no document is brought on record or referred to substantiate the allegation. In para 5 of their written statement the opposite parties have categorically denied that by declaring the drillers as "self drawing officers" the drillers were denied of their trade union right or that it was done as a measure of victimisation. In para 3 of the written statement the opposite parties have specifically stated that the impugned office order, Ext. M1 was only for the sake of convenience of the administration and that in all other respects the drillers would be continued to be guided as before. In view of these commitments of the opposite parties also I do not find any force in the apprehension of the complainants that the office order, Ext. M1 deprived them of their right to enjoy the trade union rights which they were enjoying before the office order, Ext. M1 was issued. In the matter of advantages accruing under the recommendations of the Coal Wage Board I consider it premature to express any opinion, in as much as the recommendations are yet to be implemented or enforced. MW1, the Administrative Officer of the Corporation has denied that in the Corporation only the officers drawing Rs. 400—900 with higher fixation at Rs. 510 per month are the "self drawing officers". He has pointed out that the Survey Officers, Asstt. Controller of Stores and Under Managers who are drawing Rs. 350—900 are also "self drawing officers" from the very beginning. There is no cogent material to rebut this evidence. Thus, I do not find that the office order, Ext. M1 has altered the service condition of the complainants to their prejudice to any extent. In view of this finding it is superfluous to see if declaration of the complainants as "self drawing officers" is a service condition or that it is connected with the dispute involved in the reference No. 244 of 1967.

4. The complaint is, therefore, dismissed. Considering circumstances of the case no order is passed as to costs.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal (No. 2) Dhanbad.
[No. 2/130/65-LRII-(ii).]

ORDERS

New Delhi, the 18th February 1969

S.O. 807.—Whereas an industrial dispute exists between the employers in relation to Birsinghpur Colliery of Messrs. Johilla Coalfields Private Limited, Post Office Birsinghpur Pali, District Shahdol (Madhya Pradesh) and their workmen represented by Birsinghpur Colliery Mazdoor Sabha, Post Office Birsinghpur Pali, District Shahdol (Madhya Pradesh);

And whereas the said employer and the said workmen have, by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration by the person specified therein, and have forwarded to the Central Government under sub-section (3) of the said Act, a copy of the said arbitration agreement;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 3rd February, 1969.

FORM C

(See Rule 7)

Agreement

(Under section 10A of the Industrial Disputes Act, 1947)

BETWEEN

The Management of Birsinghpur Colliery (Johilla Coalfields P. Ltd.), P.O. Birsinghpur-Pali, District Shahdol, M.P.

AND

Their workmen represented by Birsinghpur Colliery Mazdoor Sabha, P.O. Birsinghpur-Pali, District Shahdol, M.P.

Names of the Parties:

Representing employers—Shri K. C. Jain, General Manager, Johilla Coalfields P. Ltd., Birsinghpur-Pali, District Shahdol, M.P.

Representing Workmen—(1) Shri P. B. Dutta, Vice President, Birsinghpur Colliery Mazdoor Sabha, P.O. Birsinghpur-Pali, Distt. Shahdol, M.P.

(2) Shri Rohini Prashad Birsinghpur Colliery Mazdoor Sabha, P.O. Birsinghpur-Pali, Distt. Shahdol, M.P.

(3) Shri Brijkishore Prashad Birsinghpur Colliery Mazdoor Sabha, P.O. Birsinghpur-Pali, Distt. Shahdol, M.P.

It is hereby agreed between the parties to refer the following dispute to the Arbitration of Shri R. C. Jain, Assistant Labour Commissioner, Jabalpur Division, Jabalpur, M.P.

(i) *Specific matter in dispute*—

"Whether the action of Management of Birsinghpur Colliery (Johilla Coalfields P. Ltd.) P.O. Birsinghpur-Pali, District Shahdol, M.P. in terminating the services of the following workmen w.e.f. the date noted against each is justified? If not, to what relief they are entitled.

- (a) Shri Lalji—2nd October, 1968.
- (b) Shri Ramadhin—17th September, 1968.
- (c) Shri Punaua—7th October, 1968.
- (d) Shri Andhoo—21st October, 1968.
- (e) Shri Ram Autar—21st October, 1968.

(ii) Details of the parties to the dispute including the name and address of the establishment of undertaking involved:—

The Management and workmen of Birsinghpur Colliery (Johilla Coalfields P. Ltd.) P.O. Birsinghpur-Pali, District Shahdol, M.P.

(iii) Name of the workman in case he himself is involved in the dispute or the name of the union, if any representing the workman or workmen in question:—

Birsinghpur Colliery Mazdoor Sabha, P.O. Birsinghpur-Pali, District Shahdol, M.P.

(iv) Total number of workmen employed in the undertaking effected:—1050 (Approx.)

(v) Estimate number of workmen effected or likely to be effected by the dispute:—**FIVE**

We have agreed that the decision of the Arbitrator be binding on us.

The Arbitrator shall make his Award within a period of three months or within such further time as is extended by mutual agreement between us in writing. In case the award

is not made within the period aforementioned the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the Parties

Representing Workmen

(Sd.) Illegible.

Witnesses

- (1) (Sd.) Illegible.
- (2) (Sd.) Illegible.
- (3) (Sd.) Illegible.
- (4) (Sd.) Illegible.
- (5) (Sd.) Illegible.
- (6) (Sd.) Illegible.

Place:—Birsinghpur-Pali, District Shahdol, M.P.

Date : 16th January, 1969.

Representing Management

(Sd.) Illegible.

Copy to :—

- (1) The Assistant Labour Commissioner (Central) Jabalpur.
- (2) The Regional Labour Commissioner (Central) Jabalpur.
- (3) The Chief Labour Commissioner (Central) New Delhi.
- (4) The Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment), New Delhi.

Accepted by me

(Sd.) R. C. JAIN,
Assistant Labour Commissioner,
Jabalpur Division,
Jabalpur (MP).

[No. 5/7/69-LRII.]

S.O. 808.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the P. D. Kajora Colliery, Post Office Kajoragram, District Burdwan, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the stoppage from work of Sarvashri Giridhari Kohar, Munshi Harijan, Ramdas Gope, Dipon Singh, Budhai Gope all U. G. Trammers; Raja Singh, Nazimul Mia, Pick Miners and Dukhaharan Kahar, Chaprasi by the management of P. D. Kajora Colliery, Post Office Kajoragram, District Burdwan, was justified? If not, to what relief are the workmen entitled?

[No. 6/125/68-LR.II.]

New Delhi, the 20th February 1969

S.O. 809.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Star Construction and Transport Company, Sankari West, Post Office (District Salem) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby constitutes an Industrial Tribunal, with Shri Tajammul Hussain as the Presiding Officer with Headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the undermentioned six workmen still kept on waiting list out of the eight men referred to in item No. 11 of the Settlement, dated the 29th July, 1967 are entitled to be absorbed as Mates in the service of Messrs Star Construction and Transport Company, Sankari West, Post Office, in view of the fact that they have employed three others, namely (1) Shri Sundararajan (2) Shri Subramaniam and (3) Shri Sathar to work as mates without absorbing these six workmen, and, if so, from what date?

- (1) Shri Ramaswamy
- (2) Shri Kamalasekaran
- (3) Shri Natarajan
- (4) Shri C. Ramaswamy
- (5) Shri Kuppuswamy
- (6) Shri Palaniappan.

[No. 36/49/68-LRI.]

S.O. 810.—Whereas the Central Government is of opinion that an industrial dispute is apprehended between the management of Messrs Star Construction and Transport Company, Sankari West and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government is further of opinion that the said dispute is of such a nature that Messrs India Cements Limited, Sankari West Post Office (District Salem) are likely to be interested in or affected by the said dispute;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) and sub-section (5) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Tajammul Hussain as the Presiding Officer, with Headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether workmen employed by Messrs Star Construction and Transport Company, Sankari West are entitled to annual bonus for 1967-68 at the rate of 20 per cent as was paid to the factory workers of Messrs. India Cements Limited, the principal employer.

[No. 36/48/68-LRI.]

S.O. 811.—Whereas the Central Government is of opinion that an industrial dispute exists between the management of Messrs India Cements Limited, Sankari West Post Office (District Salem) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Tajammul Hussain as the Presiding Officer with Headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

- (1) Is the demand of the workers for the abolition of the contract system of labour adopted by Messrs India Cements Limited for quarrying and transporting limestone from their mines to their factory at Sankari justified ?

(2) If so, are the workmen employed through the contractors, namely, Messrs Star Construction and Transport Company and their sub-contractors, entitled to be absorbed in the regular service of Messrs India Cements Limited and from what date?

[No. 36/48/68-LRI.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 17th February 1969

S.O. 812.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the Punjab National Bank Limited, and their workmen, which was received by the Central Government on the 11th February, 1969.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

Monday the 20th day of January 1969

PRESENT :

Thiru M. Tajammul Hussain, B.A., B.L., Industrial Tribunal, Madras.

INDUSTRIAL DISPUTE NO. 74 OF 1968.

(In the matter of the dispute for adjudication U/s. 7A and clause 10(1)(d) of the I.D. Act, 1947, between the workmen and the management of the Punjab National Bank Ltd., Madras-1).

BETWEEN

The General Secretary, The Punjab National Bank Staff Union, No. 135, Moor Street, Madras-1.

AND

The District Manager, The Punjab National Bank Ltd., No. 2/1, First Line Beach, 2nd Floor (Dare House Extension) Madras-1.

Reference :

Order No. 23/45/68-LRIII, dated 12th August, 1968 of the Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment, Government of India, New Delhi.

This dispute coming on this day for final hearing upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru G. Kapaleswaran, General Secretary of the Union and of Thiru K. R. Subramaniam, Manager of the Bank (Power of Attorney-holder) and the General Secretary of the Union having made an endorsement in the claim statement for not pressing the claim and this dispute having stood over till this day for consideration, this Tribunal made the following

AWARD

This is a reference by the Central Government of a dispute between the employers in relation to the Punjab National Bank Limited and their workmen, in respect of the matter specified in the schedule to the reference. The schedule is as follows:

"Whether the Punjab National Bank Limited, Madras, is justified in declaring Shri S. Rajagopalan, the senior-most employee at Ramanathapuram as surplus and transferring him to Ambur on that account? If not, to what relief is the employee entitled?"

2. A claim statement was filed by the Union alleging that even assuming there existed a necessity to reduce the staff in Ramanathapuram branch, the manner in which Shri Rajagopalan was selected for transfer was wholly arbitrary and unjust. According to the claim statement, the order transferring Shri Rajagopalan, the senior-most employee is not justified.

3. A counter statement was filed traversing the allegations made in the claim statement. According to the counter statement, due to subsequent developments, the order declaring Shri S. Rajagopalan as surplus has not been given effect to and his proposed transfer to Ambur has not come about. There is, therefore, no factual dispute to be enquired into in view of the above. According to the management, a dispute can be raised as and when the management passes a similar order in respect of Shri S. Rajagopalan or any other employee.

4. A rejoinder statement was filed by the Punjab National Bank Staff Union. It is not necessary to set out in detail the allegations and the contentions of the parties in view of the endorsement made by the General Secretary of the staff union on the claim statement.

5. When the case was discussed and as many as 13 documents were marked, the General Secretary of the Punjab National Bank Staff Union made an endorsement on the claim statement. The endorsement is as follows:

"In view of the letter dated 3rd July, 1968 marked as Ex. M.13, the claim may be dismissed as not pressed."

6. In terms of the above endorsement, the claim is dismissed as not pressed. An award is passed accordingly. Parties are directed to bear their own costs.

M. TAJAMMUL HUSSAIN,
Industrial Tribunal.

List of Witnesses Examined for both Sides:

NIL

List of Documents Marked

For the Workmen

Nil

For the Management

M—1	—	Statement furnishing the figures relating to deposits, advances and profits and losses of Ramanathapuram Branch.
M—2	25-II-66	Extract of relevant portion of letter dt.25-II-66 addressed by Thiru N.K. Subramaniam, Officer incharge, Ramanathapuram Branch to the Punjab National Bank, Madras.
M—3	3-12-66	True copy of letter from the Manager, Ramanathapuram Branch to the District Manager, Southern Circle, The Punjab National Bank Ltd., Madras-1.
M—4	10-I-67	True extract of relevant portion of letter dt: 10-1-67 addressed by the Officer-incharge, Ramanathapuram Branch to the District Manager, Southern Circle, Madras.
M—5	—	Statement showing the staff strength as on 25-3-61 at Ramanathapuram Branch.
M—6	—	Statement showing the Staff strength as on 31-12-61 at Ramanathapuram Branch.
M—7	—	Statement showing the staff strength as on 31-12-62 at Ramanathapuram Branch .
M—8	—	Statement showing the staff strength as on 31-12-63 at Ramanathapuram Branch.
M—9	—	Statement showing the staff strength as on 31-12-64 at Ramanathapuram Branch.
M—10	—	Statement showing the staff strength as on 31-12-65 at Ramanathapuram Branch.
M—11	—	Statement showing the staff strength as on 31-12-66 at Ramanathapuram Branch.
M—12	—	Statement showing the staff strength as on 31-12-67 at Ramanathapuram Branch.
M—13	3-7-68	Letter regarding staff strength addressed to the Officer-incharge, Ramanathapuram Branch.

NOTE: The parties are directed to take return of their document/documents within six months from this date.

ORDERS

New Delhi, the 17th February 1969

S.O. 813.—Whereas the industrial dispute specified in the schedule hereto annexed is pending before the Central Government Industrial Tribunal, Delhi.

And, whereas, for ends of justice and grounds of convenience of the parties, the said dispute should be disposed of without delay;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said dispute pending before the Central Government Industrial Tribunal, Delhi and transfers the same to the Central Government Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act, and directs that the said Tribunal shall proceed with the said proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Sl. No.	Parties to the dispute	Order No. and date	S.O. No. of Gazette and year of publi- cation.
1	2	3	4
1.	Punjab National Bank Limited and their workmen	23/39/68-LRIII dated the 20th December, 1968.	4627/68

[No. 23/39/68-LRIII.]

New Delhi, the 20th February 1969

S.O. 814.—Whereas an industrial dispute exists between the employer in relation to Messrs Kier-Sentec, Bombay and their workmen represented by Building Mazdoor Union, Bombay;

And, whereas the said employers and their workmen have, under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to the arbitration of the person specified in the arbitration agreement, and have forwarded to the Central Government, under sub-section (3) of the said section, a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 14th February, 1969.

Agreement

Under Section 10A of the Industrial Disputes Act, 1947

NAME OF THE PARTIES

BETWEEN

1. Messrs Kier-Sentec, Mole Station Ballard Pier, Bombay-1—Representing the Management.
2. Building Mazdoor Union, P.D. Mello Bhavan, P.D. Mello Road, Carnac Bunder, Bombay-1—Representing the Workmen.

NAME OF PARTIES :

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri Salim M. Merchant, City Ice Building, 298, Bazargate, Fort Bombay.

Specific Matter in Dispute

1. (a) "Whether the employees of Messrs Kier-Sentec, Bombay are entitled to Bonus at the rate of 20 per cent of their total annual earnings as per the provisions of the payment of Bonus Act, 1965 per year for the years 1965-66, 1966-67 and 1967-68".

(b) In the event of the Arbitrator holding that the employees are not entitled to Bonus under the provisions of the Bonus Act, 1965, whether having regard to the fact that the employees of Bombay Port Trust, and others, who are exempted from the provisions of Bonus Act, 1965, are being paid "ex-gratia" in lieu of Bonus since 1965-66, should the workmen covered by this reference be paid 'ex-gratia' payments in lieu of Bonus on the grounds of equity and fair play and if so at what rates?".

2. "Whether the action of the management of Messrs Kier-Sentec, Bombay in not granting house rent allowance at the rate of Rs. 15 per month to some of their workmen is justified? If not to what relief are the workmen entitled to and from what date?"
3. "Whether Messrs Kier-Sentec, Bombay are justified in not extending the benefits arising out of the Award of Shri Salim M. Merchant dated 11th April, 1968 to their monthly paid workmen excluding drivers, peons and Security guards? If not to what relief they are entitled to?"

Details of the parties to the dispute including the name and addresses of the establishment or undertakings involved.

(a) Shri I. H. Ogilvie, Project Manager, Messrs Kier-Sentec, Ballard Pier, Mole Station, Bombay-1.
 (b) The General Secretary, Building Mazdoor Union, Bombay-1.
 (c) Name of the Union, if any, representing workers in question—Building Mazdoor Union, Bombay.
 (d) Total number of workmen employed in the undertaking affected—About 1,800.
 (e) Estimated number of workmen affected or likely to be affected by the dispute. About 1,300.

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of 30 (Thirty) days and within such time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Witnesses :

1. Sd/- M. BENJAMIN,

Sd/- I. H. OOGLVIE,
Project Manager,
Messrs Kier-Sentec.

2. Sd/- H. J. BHOITE

Sd/- C. S. SUBRAMANIAN,
(Administrator, Messrs Kier-Sentec).

Sd/- S. R. KULKARNI, (President
Building Mazdoor Union).

Sd/- K. A. KHAN, (General Secretary,
Building Mazdoor Union).

[No. 28(18)/69-LWI-III.]

New Delhi, the 21st February 1969

S.O. 815.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New India Assurance Company Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act,

SCHEDULE

Whether the management of Messrs New India Assurance Company Limited, Calcutta, is justified in denying Servicing Assistant's grade to Shri N. N. Bhattacharya and in withholding his increment for 1967. If not, to what relief is the workmen entitled?

[No. 25/46/68-LRIII.]

S.O. 816.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Punjab National Bank Limited, Head Office, Parliament Street, New Delhi, in taking away the additional work and thereby depriving Shri N. M. Chikley, peon of the payment of Bill Collector's allowance by the Punjab National Bank Limited, Balaghat with effect from the 12th August, 1968, is justified? If not, to what relief is Shri N. M. Chikley entitled?"

[No. 23/130/68-LRIII.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)**[Office of the Chief Labour Commissioner (Central)]****ORDER***New Delhi, the 20th February 1969*

S.O. 817.—Whereas an application has been made under Section 2(1)(iii) of the Payment of Bonus Act, 1965 by Shri Potnuru Neelanna in relation to his establishment mentioned in the Schedule below for a change of the accounting year from 1st January—31st December to 1st April—31st March with effect from 1st April, 1968.

And whereas being satisfied that there are sufficient reasons to change the accounting year I have, in exercise of the powers conferred on me by the proviso to clause (iii) of sub-section (1) of section 2 of the said Act read with Rule 3 of the Payment of Bonus Rules, 1965 passed order on 18th February, 1969 changing the accounting year of the said establishment from 1st January, 31st December to 1st April—31st March with effect from 1st April, 1968.

Now this is published for information of the employer and all the employees of the said establishment.

THE SCHEDULE

Name and address of the employer	Establishment
Shri Potnuru Neelanna, Mine Owner, Chipurupalle, (Srikakulam Distt.)	Ganesh Manganese Mine.

[No. BA.8(27)/68-LS.I.]

O. VENKATACHALAM,
Chief Labour Commissioner (Central).

ERRATA

The Order No. and the S.O. No. of the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Order, dated 11th December, 1968, published in the Gazette of India, Part II—Section 3—Sub-section (ii), dated 21st December, 1968, should be "No. 6/98/68-LRII" instead of "No. 6/98/67-LRII" and "S.O. 4528" instead of "S.O. 5428" respectively.

